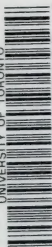


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# IRISH QUESTION

Goldwin Smith

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THE IRISH QUESTION



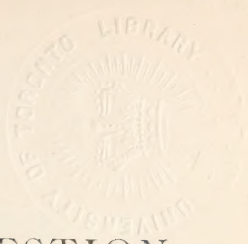
THE  
IRISH QUESTION

BY  
DAVID BENNETT KING

*Professor in Lafayette College*

NEW YORK  
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## PREFACE.

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IN the summer of 1881 I went to Ireland in order to study the questions that were causing so much violent agitation there. I had followed the course of the Irish troubles with close interest, but was anxious to take a nearer view of them and to study them on the ground and among the people themselves. I visited some of the wildest and poorest parts of the country; and jaunting-car rides through Cork, Kerry and Galway enabled me to see a great deal of the poverty and distress of many of the people of those counties, to observe their holdings and houses and modes of living, and to talk familiarly with all classes. I then turned to some of the more prosperous regions, including Limerick and its vicinity, and going North through Clare, I visited Ulster, which seems like a different country from the rest of Ireland. I did not, of course, neglect to visit Londonderry, Belfast, Dublin and other centres of business activity.

In 1882 I again went to Ireland and revisited a number of important places. I traveled through portions of Tipperary where boycotting was common, and resumed my jaunting-car rides through the West, particu-



larly through Mayo and Galway. My journeyings led me into some of the most distressed and disturbed districts where some of the most terrible crimes have been committed and "moonlighting" has apparently been a favorite pastime.

Everywhere I found the people very polite and courteous. Clergymen, landlords, tenants, laborers and business men—representatives of all classes—talked freely of the troubles that were agitating the country. In some instances I have allowed these men to speak in these pages; in others have given their views in my own language.

I desire to acknowledge the special courtesy shown me by Mr. Commissioner Vernon, who explained the practical working of the Land Act and gave me much valuable information besides; by Mr. H. A. Robinson, Local Government Inspector of Mayo and Galway, whose intimate knowledge of and sympathy with the poor people of those counties made his conversation extremely interesting and profitable; and by Dr. Neilson Hancock, whose familiarity with the statistics of Ireland is well known.

The debates on Irish affairs in the House of Commons, which I was enabled through the kindness of Dr. Lyon Playfair to hear regularly while in London, gave me an excellent opportunity for studying the characteristics and relations of the men who have taken a leading part in these discussions; and I saw their tactics in vigorous operation.

In private conversation with some of those who have

taken the most active interest in Irish affairs I obtained valuable information, hints and suggestions. I wish particularly to acknowledge my indebtedness to Mr. Justin McCarthy and Mr. A. M. Sullivan; to Mr. O'Conner Power and Mr. Parnell; to Mr. Mitchell Henry, through whom I found out much about the reclamation of waste land and other matters as well; to Mr. Trevelyan, for kindly giving me opportunities to study the working of the government in Ireland; to Mr. R. Barry O'Brien, whose conversation and books have helped me much; and to Mr. Bunting, Editor of the *Contemporary Review*, for giving me the benefit of his extensive acquaintance with the literature of, and writers on Irish affairs.

The interest taken by the public in some letters which I wrote for the *Philadelphia Press*, while in Ireland, and which were extensively copied by other papers; in a lecture which I delivered on Irish affairs; and in articles published in the *Independent* and *Princeton Review*, has encouraged me to undertake the present work. I have not ventured to suggest a settlement of the Irish Question, nor even to predict very confidently what form it will next assume. One who has read Irish history is not likely to venture on so rash an undertaking. I have tried to present some of the phases of the recent troubles; some of the evils of the old land system and some of the provisions of the new legislation which has well nigh revolutionized the old order of things; some of the still unremoved grievances with the remedies proposed for them; and the general

attitude of the various parties toward these matters, so that the reader seeking knowledge of Irish affairs can understand something of the problem.

I have referred in foot-notes to some of the numerous pamphlets, reports and books that I have consulted, and, having found that some of the leading documents in question—the Land, Coercion, Prevention of Crimes, and Arrears of Rent Acts, the constitution of the Land League, the no-rent manifesto and a few other important papers—were so little accessible and so little read in this country, I have thought it best to give the actual text of them in full in the Appendices.

D. B. KING.

*Lafayette College, Easton, Pa., October 18th, 1882.*

# CONTENTS.

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## CHAPTER I.

Introduction—Irish landlords—Number of landowners—Size of estates—Obstacles to the transfer of land—Panic in prices of land in the Encumbered Estates Courts—Increase of Landlords—Absenteeism—An old grievance—its injurious effects—Middlemen, agents, “Drivers”—Rules of the estate. . . . . I

## CHAPTER II.

Irish tenants—Their numbers—Size of their farms—Bankrupt tenants—Evidences of thrift and prosperity, of poverty and indolence seen in traveling through the country—Cottages and cabins—Peasants and beggars—improvements in dwellings. . . . . 17

## CHAPTER III.

Land tenure in Ireland—The Celtic tribe—“Rack-renting” by the chiefs—English tenures—Hardships connected with the introduction of the English system into Ireland—War against the power of the Landlords—Changes unfavorable to the tenant. . . . . 25

## CHAPTER IV.

Modes of letting land in Ireland—Tenancies at will—Tenancies from year to year—Leases—Desirableness of long leases where tenants make the improvements. . . . . 32

## CHAPTER V.

Tenant's interests—The landlord's title—The improvements made by the tenant—Sometimes of no value to the landlord—Sometimes more valuable than the fee—The claim to a right of perpetual occupancy—Its origin—Tenant's interests have been frequently disregarded, but are now secured by law—The Ulster tenant right—Cheap and simple mode of transferring large real estate interests under the Ulster custom. . . 37

CHAPTER VI.

Rents—Conflict of evidence—Mr. Mitchell Henry on rents—Per cent. on landlord's investments—Mr. Vernon on rents—Portion of produce—Rent raising—Reasons why Irish tenants agree to pay impossible rents—Fear of higher rents an excuse for lack of improvements—The hanging gale—Arrears of rent—Griffith's valuation. . . . . 46

CHAPTER VII.

Modes of enforcing the payment of rent—Personal actions—Distress—A scene of distress—Ejectments—Evictions from an Irish standpoint—"Sentences of death"—Reasons for this dread of eviction—Illustrations of Irish feeling in regard to evictions—Mr. Butt and Bishop Nulty describe important evictions—Huts for evicted tenants—The Ladies' Land League—A tenant's devotion to his cabin—Statistics of evictions from 1849 to 1882. . . . . 60

CHAPTER VIII.

Chronic poverty and distress—Wretched condition of the people described by Mr. Nimmo and the Devon commission—The famine of '47—Always on the verge of famine—Causes of the poverty and distress suggested—The land system held responsible by Irishmen—The war against the landlords—The Whiteboys—Ancient "Moonlighters"—The Ribbon Men. . . . . 72

CHAPTER IX.

Lord Melbourne on the Irish land system—Early agitation for reform—Plans suggested—"The Democratic Association"—"The land for the people"—The Presbyterian Synod of Ulster on land reform—The tenant league—The Encumbered Estates Court—The land act of 1860—Free trade in land—Freedom of contract between landlord and tenant impossible. . . . . 80

CHAPTER X.

John Bright as a champion of reform—Mr. Gladstone's first great measure of reform—Disestablishment—The land act of 1870—The Ulster tenant right legalized—Compensation for disturbance and for improvements—A land case in court—Relief given where it was greatly needed—Statistics—Evictions continue—Mr. Bright's plan for enabling tenants to buy their farms—Hindrances to its success. . . . . 87

CHAPTER XI.

Causes of the recent agitation—Disappointment with the land act of 1870—Partial failure of crops in 1878, 1879, and 1880—Unusual expenditure

and indebtedness—Inability to pay rent—Distress and want—The Fenian new departure—Michael Davitt and his plan for agitation in connection with the land question. . . . . 99

## CHAPTER XII.

## THE HOME RULERS AND THE LAND LEAGUE.

The Irish Home Rule League—"An Imperial Parliament for imperial purposes, an Irish Parliament for Irish affairs"—Sixty Home Rulers returned in '74 organize an independent party—Mr. Butt the Home Rule Leader—General Reforms for Ireland proposed—Mr. Parnell's entrance into public life—The beginning of obstructions—The character of Mr. Biggar—Dissensions among the Home Rulers—Mitchell Henry on Home Rule—"The party of Exasperation" increases in influence—Its attitude toward the Fenian new departure—Violent speeches. . . . . 109

## CHAPTER XIII.

Mr. Parnell's advice to resist agitation and the payment of high rents—Davitt tells the people to fight the landlords and give to the landlords afterwards—Organization of the Land League—Its platform—Speeches by leading Land Leaguers—Specimens of their oratory—Mr. Parnell advises a combination against the landlords—Mr. Biggar on Sunday afternoon meetings—Mr. Davitt's violent denunciations of the landlords and government—Monster land meetings—Parnell and Dillon's visit to America—Relief of the distressed in Ireland. . . . . 120

## CHAPTER XIV.

## IRELAND IN 1880.

Distress—Relief—Dissolution of Parliament—The campaign of 1880—Mr. Gladstone's Midlothian speeches—He discusses Irish affairs—His views on Home Rule—Lord Beaconsfield on Irish agitation—Parnell would have preferred the success of the conservatives—The Liberal victory—Defeat of the "Disturbance" bill in the House of Lords—The violence of the agitation increases—violent speeches—Parnell and other leading Land Leaguers prosecuted for seditious conspiracy. . . . . 129

## CHAPTER XV.

Outrages in the latter part of 1880 and the beginning of 1881—The Land League law supreme in Ireland—Methods of the "Moonlighters"—A reign of terror—View of the outrages from an Irishman's standpoint—The Property Defense Association—A novel procession—the emergency men—Captain Boycott's experience—The Coercion Act of 1881. . . 139

CHAPTER XVI.

The land law of 1881—Free sales—Fixity of tenure—Fair Rent—A statutory term—Compensation for improvements for disturbance—Provisions for the purchase of the landlord's interest—The land commission—The land bill in Parliament; great opposition to it—The attitude of the Irish members—The *London Times*' view of the measure. . . . . 150

CHAPTER XVII.

The application of the Coercion Act—Mr. P. J. Smyth writes to his fellow-citizens at Tralee, severely criticising the violent agitation—Ireland in the summer of 1881—The battle at the Keimneigh Pass—A parish without a disturbance, a policeman, a post-office or a Protestant—Opposition to the Land League—Mr. Parnell proposes to test, not use the Land Act—Mr. Gladstone denounces Parnell who makes a vigorous reply—The leaders of the League arrested and the organization proclaimed—the No-rent Manifesto. . . . . 162

CHAPTER XVIII.

The excitement produced by the arrest of the leaders of the Land League—Meetings, speeches, and resolutions—Attitude of the Catholic clergy—Prisoners' Relief Associations—The Ladies' Land League issue a proclamation—Open agitation abandoned—Secret societies flourish and outrages continue—The new land law goes into operation, and many tenants apply for its benefits—A specimen no-rent manifesto—The criminals go unpunished. . . . . 177

CHAPTER XIX.

"The Kilmainham compact"—Release of the suspects—Resignation of Lord Cowper and Mr. Forster—The Kilmainham letter—Mr. Forster on Irish affairs—Mr. Forster's administration—The Irish celebrate the release of the suspects. . . . . 186

CHAPTER XX.

The assassination of Lord Cavendish and Mr. Bourke—Various theories in regard to the motives of the assassins—Indignation in Ireland—The Land League denounce the crime—Demand in England for a new measure of coercion—The Prevention of Crimes Act—Trial without a jury, by a court of special commissioners—Special juries—Change of venue—Intimidation defined and provided for—Suspicious strangers—The Curfew clauses—The Allen Act—The Irish party in Parliament obstruct the Bill and are suspended—Irish juries. . . . . 194



## CHAPTER XXI.

The Arrears of Rent Act—Many tenants deeply in debt to their landlords—Condition of the smaller tenants in the west—The government proposes a gift to certain tenants in arrears, and a loan to others—The measure in Parliament—Pros and cons. . . . . 207

## CHAPTER XXII.

The application of the Prevention of Crimes Act—Specimen cases cited—Judge Lawson proposes to interfere with the "fashionable pursuit" of "moonlighting"—The conviction of Hynes—Mr. Gray imprisoned for contempt of court—English tyranny denounced—The murder of the Joyce family—Condition of Ireland in August and September, 1882—Outrages Diminishing—Boycotting in Tipperary—"I'd rather be dead than boycotted!" . . . . . 215

## CHAPTER XXIII.

The new land law in Operation—Cases disposed of—What are the improvements?—Decision of the court of appeals in the case of Adams *vs.* Dunseath—Dissatisfaction among the tenants with the decision—Reductions of rents—Beneficial effects of the act in promoting improvements—Social benefits—Danger from shopkeepers and "Gombeen Men"—Value of tenants' interests increasing—Bankrupt tenants will be evicted—The land corporation—Fund for evicted tenants—The great majority of the tenants benefited—Leaseholders dissatisfied. . . . . 225

## CHAPTER XXIV.

Peasant proprietors—Some objections considered—Experiments in Ireland—Purchasers of the Church lands—Purchasers under the Bright clauses—Difficulties under which the new owners have labored—The experiments successful—A general demand for extending the purchase clauses—The Conservative plan—Enforced sales—What is a fair price?—Mr. Davitt's nationalization scheme. . . . . 240

## CHAPTER XXV.

The reclamation of waste land—The amount of reclaimable bogs—How bogs are reclaimed—Experiments by Mr. Stoney and Mitchell Henry—A wilderness turned into a garden—Reclamation by the government—Mitchell Henry's plan—Adverse opinions. . . . . 250

## CHAPTER XXVI.

Emigration as a remedy for Irish distress—Opposition by Irishmen to the "rooting out" plan—Attitude of the priests—Capacity of Ireland for sustaining a large population—Dr. Playfair on the declining production of human food in Ireland—Many farms too small to sustain families, even without rents and taxes—Illustrations—Clifden Union—The land the only resource in many places—Migratory laborers—The poor laws—Mr. Bourke's account of the distress—Mr. Tuke's emigration scheme—Emigration clause of the Arrears of Rent Act—Need of aid and advice—Medical charities in Ireland. . . . . 255

## CHAPTER XXVII.

The labor question—Wretched condition of agricultural laborers—Illustrations—Laborer's cottages—Poor work and poor pay—Opposition to labor-saving machinery—Provision for laborers' cottages—The Irish labor and industrial union—Its platform—The views of its organizers—Mr. Kelley's plan for reclaiming bog and distributing it among laborers—other openings for labor besides farming—Capital for industrial enterprises—Irish manufactories—Fisheries—Commerce—Mineral wealth. . . . 268

## CHAPTER XXVIII.

Education—Relation of Education to the land troubles—The glory of ancient Irish learning—Effect of the penal laws—Recent progress—Institutions for the higher education—University of Dublin—Royal University—Maynooth College—Presbyterian College—Queen's Colleges—Intermediate examinations—The common schools of Ireland—Great decrease of illiteracy—Matthew Arnold and Dr. Playfair on Irish education—Prof. Hawtess on compulsory education—Irish schoolboys—A conundrum—American influence—The Irish language rapidly disappearing. . . . 283

## CHAPTER XXIX.

The "Alien" Government—Old animosities—The confiscations—Religious animosities—The Irish not allowed to forget the past—Reforms wanted—Extension of the right to vote—The Belfast Harbor Board in Parliament—Objection to the grand jury system—The Castle—Democratic rotation in office demanded. The courts "too English."—"Would you like an Irish Lord Lieutenant and Chief Secretary?"—Answers by prominent Home Rulers—Mr. Trevelyan—Mr. Gladstone's intimate knowledge of Irish affairs—"The army of occupation." 296

## CHAPTER XXX.

Home Rule—What it means—"Should the imperial government appoint the postmaster at Skibbereen?"—Views of prominent Irishmen—What the business men of Belfast say—The Presbyterian General Assembly—The Irish people tired of agitation—The English Liberals and Irish Reforms—a sentiment of Sir Robert Peel, . . . . .	311
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## APPENDICES.

APPENDIX A.—Charter of the Land League, . . . . .	319
APPENDIX B.—Mr. Parnell's Appeal to the Irish Race for the Sustainment of the National Land Movement, . . . . .	324
APPENDIX C.—The No-Rent Manifesto, . . . . .	328
APPENDIX D.—Proclamation of the Land League by the Lord Lieutenant of Ireland, . . . . .	332
APPENDIX E.—An Extract from a Pastoral of Cardinal McCabe to the Churches of his Diocese in the No-Rent Manifesto, . . . . .	333
APPENDIX F.—Archbishop Cooke's Sentiments on the No-Rent Manifesto, . . . . .	334
APPENDIX G.—An Address presented to the Lord Lieutenant of Ireland, by the General Assembly of the Presbyterian Church in Ireland, . . . . .	336
APPENDIX H.—An Extract from an Address delivered by Archbishop Cooke at Emly, . . . . .	338
APPENDIX I.—Mr. Davitt's Plan for Nationalizing the Land of Ireland, . . . . .	341
APPENDIX J.—The Coercion Act of 1881, . . . . .	350
APPENDIX K.—Land Law (Ireland), Act, 1881, . . . . .	353
APPENDIX L.—Prevention of Crime (Ireland), Act, 1882, . . . . .	404
APPENDIX M.—Arrears of Rent (Ireland), Act, 1882, . . . . .	436



# THE IRISH QUESTION.

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## CHAPTER I.

INTRODUCTION—IRISH LANDLORDS—NUMBER OF LANDOWNERS—SIZE OF ESTATES—OBSTACLES TO THE TRANSFER OF LAND—PANIC IN PRICES OF LAND IN THE ENCUMBERED ESTATES COURTS—INCREASE OF LANDLORDS—ABSENTEEISM—AN OLD GRIEVANCE—ITS INJURIOUS EFFECTS—MIDDLEMEN, AGENTS, “DRIVERS”—RULES OF THE ESTATE.

THE Irish Question is centuries old, and has long puzzled the wisest statesman of England. It has changed in form somewhat from century to century and from generation to generation. During the present century the agitation for the repeal of the Union or for Home Rule, or separation, has been constantly maintained by one party or another. Besides this general question of Home Rule or independence, other special subjects have claimed the attention of the people, and there have been violent agitations for the removal of specific grievances. For a time Catholic Emancipation was the great war-cry of the mass of the Irish people. That accomplished, war was declared against tithes. When the tithe war ended the land reform became the burning question. It is around this that most of the agitation and discussion, the strife and bloodshed have

centered during the past few years. In any presentation of the Irish question as it now exists, the land customs and laws must have a prominent place.

A large part of the land of Ireland is owned by a few persons. There are in all in the island a little more than 20,000,000 acres. In 1876 there were altogether 68,711 owners of land. 3,746 of these owned 15,799,837 acres, while 744 owned more than half the island. The largest estate is that of Mr. Richard Berridge, which contains 169,836 acres. Two other estates, those of Lord Conyngham and Lord Downshire, contain more than 100,000 acres each. On the other hand there are a very large number of the owners—considerably more than one half—whose estates are less than one acre. The following table, taken from returns presented to the House of Commons, August 10, 1876, and published in Thom's Official Directory, shows the number and extent of the Irish estates :

<i>Estates.</i>	<i>No. of Owners.</i>	<i>Acres.</i>
Less than 1 acre . . . . .	36,144	6,065
Over 1 and under 10 acres	6,892	28,968
“ 10 “ 50 “	7,749	193,325
“ 50 “ 100 “	3,479	259,147
“ 100 “ 500 “	7,869	1,655,539
“ 500 “ 1,000 “	2,716	1,915,523
“ 1,000 “ 2,000 “	1,803	2,511,743
“ 2,000 “ 5,000 “	1,193	3,975,297
“ 5,000 “ 10,000 “	452	3,154,028
“ 10,000 “ 20,000 “	185	2,471,493
“ 20,000 “ 50,000 “	90	2,555,350
“ 50,000 “ 100,000 “	14	1,023,677
100,000 and upwards “	3	397,079
Total	68,711	20,157,566

The obstacles in the way of buying and selling land—the laws of primogeniture and entail, and the trouble and expense of looking up titles and making surveys and transfers—have been so great that until recently very little land has been in the market, and it was well nigh impossible to increase the number of proprietors and effect that general distribution of land that is found so beneficial in this and other countries. We are so accustomed in this country to think of cheap and easy modes of dealing in land that it is hard for us to understand the nature of the obstacles that have been in the way of buying and selling land in Ireland. Much of the land could not be sold at all on account of the entail. Land that could be sold was often so bound up by settlements, encumbrances, quit rents, and mortgages, that its sale was a difficult matter. The titles and interests of numbers of people had to be looked after and guarded. The difficulty of making out a clear title to the property was very great. The expense connected with the proceedings, the lawyers' fees, the cost of surveys and maps, and the tax on the sale by the government were something rather appalling to the purchaser. Where a man wanted to buy a small farm he found the expense and trouble a very large item indeed. The result was that under the old system very little land changed owners in the market. This inability to purchase land even where they had the money, has been regarded by the Irish people as a great grievance. "It was long the policy of the English," they say, "to root out the Irish from the soil. The effect of the English land system still is to keep us out of the ownership of the soil." It often happened that the landlord was so deeply in debt that he could



not possibly make any improvements on his estate, and was compelled to extort every penny he could get of rent from his wretched tenants, regardless of any real or fancied interests they may have had in their holdings. If he could have sold his estate, or a portion of it, relief would have been given to his creditors, to himself and to his tenants.

After the great famine of 1847, it was found that many of the landlords were more deeply in debt than ever. Rents could not be collected. In some districts the poor rates had reached twenty shillings to the pound.\* The landlords had, in not a few cases, contributed largely to the relief of the starving people. A large number of estates representing probably one-tenth of the total rental of lands in Ireland were under receivers in the courts of equity.† If many of the landlords used the occasion afforded by the ravages of famine and disease to clear their estates of small holders, the government resolved to take the same opportunity to clear off some of the bankrupt landlords. Accordingly the Encumbered Estates Court was established in 1848, with the power to order the sale of property encumbered by indebtedness on the petition of the creditors, and to give a simple indefeasible title, all statutes, settlements and covenants to the contrary notwithstanding. The first petition of sale was filed October 21st, 1849, and was followed in quick succession by many others. Creditors forced their debtors' property upon a market that, owing to the depression caused by the famine, would have been poor at the

\* *New Ireland*, A. M. Sullivan, Page 135.

† See M. Locke, quoted by J. N. Murphy in "Ireland—Industrial, Political and Social," Page 385.

best. Prices fell often to less than half what they were a few years before. Many an old family estate that would have brought enough in better times to have paid the debts, and left a handsome competence to the old owner, was barely able to satisfy the claims of the creditors. The native Irish landlords, the jolly, hospitable, happy-go-lucky squireens who cared more for sport than finance, were most affected by it as they were often most deeply in debt. There was not a little bitterness against the government for passing the measure at the time, when so many landlords were on the brink of ruin. However, it brought land into the market, and notwithstanding the many hardships that often attended its operations was a step in the right direction. It is estimated that one-eighth of the land of Ireland has changed hands through the operations of this and the Landed Estates Courts to which its proceedings were transferred. The sales have, however, been diminishing in recent years. Several thousand small owners have been added by the sales made under the Disestablishment Act and the Land Act of 1870. Of these and the purchasers under the Bright clauses of 1870 and 1881 I shall have something to say in another chapter.

Notwithstanding the removal of the obstacles in the way of transfer in these and some other instances, it is still in most cases very troublesome, often impossible to buy land in Ireland.

The owners of about one-half the land do not live on or near their estates, while the owners of about one-fourth do not live in the country. In this country no one questions the landlord's right to live where he pleases. In Ireland it is very different. I have often

heard tenants complain bitterly that their landlords were always absent, and did not care for the country or people. "What difference does it make where he lives?" I have asked. "There's a great deal more going on, sir, when he's here," was the reply.

Absenteeism is an old evil, and in very early times received attention from the government. Laws were enacted at a very early period to compel the absentees to return.\* Henry VIII confiscated the estates of those who were unable or unwilling to discharge their duties as landlords. "English noblemen who owned lands in Ireland were required to reside on and maintain them. The rights of property were made stringently conditional as the fulfillment of the obligations."†

These and other like provisions to the same effect were for the most part fruitless. The evil seems to have increased when the confiscations of Elizabeth and Cromwell took place, and large estates fell into the hands of Englishmen. The surpassing beauty of the Irish scenery, the fertility of the soil in many places, and the healthfulness of the climate make Ireland a very desirable place of residence. But it often happened that the new landlords had land or business that demanded their constant presence at home in England. The turbulence of the people, the frequent revolts and occasional massacres, the hostility to the English and the generally unsettled state of the country often made it an unsafe place for the family of an English landlord. In the rebellion, which drove the poet, Spenser, from his home at Kilcolman Castle, "every son of a Saxon"

\* The Kingdom of Ireland, Walpole, page 63.

† Froude, *The English in Ireland*, Vol. I, page 40.

was compelled to flee for his life. In some periods the Irish were held in the greatest possible contempt by the English, some of whom preferred not to come in contact with them under any circumstances.

The difference in race, rank, wealth, religion and social culture between the English landlord and the Irish tenantry, made Ireland less attractive to the former as a place of residence. Then the dreadful poverty and wretchedness so often seen in some parts of the country, are too sad for sensitive minds to look upon or live in the midst of without great suffering. Those who can not pass through the poorer parts of a large city, or look into an almshouse, or at a beggar without a feeling of melancholy, could not find some of the most beautiful parts of Ireland pleasant places of residence.

Irish writers have attributed many of the evils which have afflicted Ireland to absenteeism. Prior, writing in 1730, speaks of absenteeism as the "principal source of all our misfortunes and the chief cause of all our distress. It appears plainly from the list of absentees, and the estimates of the quantity of specie they may be reasonably supposed to draw yearly out of the kingdom that no other country labors under so wasteful a drain of its treasure as Ireland does at present, by an annual remittance of above £600,000 to our gentlemen abroad without the least consideration or value returned for the same; this is so great a burden upon us that I believe there is not in history an instance of any one country paying so large a yearly tribute to another."\*

\* Prior quoted by R. Barry O'Brien in "The Parliamentary History of the Irish Land Question," page 19.

In 1797 Mr. Vandeleur, in supporting a resolution to tax absentees, declared that "all the disturbances which had taken place there, which had disgraced its character and checked its growth, have been found on the lands of absentees." "A tax which would compel land owners to return to their duties would do more to tranquilize Ireland than all the repressive laws which Parliament could devise." Numerous other writers add their testimony to the same effect.

Some of the disadvantages to the community arising from the absence of the more wealthy and intelligent classes are apparent to every one. Unless the landlord is utterly poverty-stricken or very unenterprising, "there is a great deal more going on" when he is in the country. He gives employment to quite a number of people. Servants to take care of the house, grooms, gardeners, and men of all work are needed to keep up a large establishment. These people who would otherwise be idle can earn good wages which they spend in the neighborhood, buying better clothing and food for their families, articles of furniture for their houses, or put in circulation in a variety of other ways. Business flourishes from what the servants spend, and also from the landlord's expenditures. The shop-keepers have larger sales and keep better articles, and can afford to sell at lower prices. There is a better market for the butter, eggs, and vegetables, which the poor people raise but can not themselves afford to eat. If the landlords do not buy these articles, the roads and means of transportation are likely to be better, and markets easier of access, for the landlord is almost certain to travel about and to take a greater interest in means of transportation than an agent who represents him temporarily.

The enterprising landlord is likely to introduce improved agricultural implements, better breeds of cattle, better methods of farming. On Mr. Mitchell Henry's place at Keylemore I saw the best sort of farm implements, although the neighbors for many miles around use farm machinery of the crudest and most primitive kind. Larger enterprises are undertaken by these men of wealth and intelligence. The postal facilities are likely to be much better where people of education and social standing live, and there are letters and papers constantly arriving. Even the poorest people are in the end much benefited by good postal facilities. Then educational matters are greatly advanced by the presence of families of literary and social culture, as are those of many of the landlords. When churches are to be built, or money is to be raised for other public or charitable purposes, the wealthy men of the community are naturally the ones to take the lead in making contributions. Those who see the distress are more likely to be moved by it. The whole social character of a district is elevated by the presence in it of a few families of wealth and social culture.

One of the worst features of absenteeism is the fact that it is most common in some of the poorest parts of Ireland. In some of the poor Western counties more than half the land is owned by absentees. From one of these very poor counties nearly half a million dollars are taken away by absentees every year. Where there are good roads to good markets, or railway stations are convenient and produce and labor can be easily taken to a fair market, the disadvantages of absenteeism are nothing like so great as where the people live thirty or

forty miles from a railway station, and have no good market within reach. A few wealthy and enterprising landlords living in Galway or Mayo would greatly extend the very meagre railway facilities and improve the markets as well.

"I have known," says Mr. Tuke, "poultry eaten as the cheapest animal food for the poor, and turbot as the cheapest fish, while eggs were selling at the rate of 8d. or 10d. per score, in the depth of winter in the north-west counties, though worth 1½d. and 2d. each in Dublin or Liverpool. More than half the population of Donegal, Mayo, Galway and other districts are practically out of reach of any railways for their produce." \* While it obviously would not pay to build a railway to every man's door, there is no doubt that the presence of a few more men of wealth, intelligence and enterprise in these counties would do much for their development.

Here there is often no difference in rank and social standing between landlord and tenant. In Ireland, however, the landlord, particularly the absentee, represents the conqueror. He is "an alien by birth and race." If he lived regularly in the country and identified himself with its interests, he would do something, perhaps much, to bridge over the great gulf that separates the two classes. It must not be supposed that the estates of absentee landlords always present a forlorn and neglected appearance, or that the tenants are always charged exorbitant rents. On the contrary, on some of the largest estates owned by Englishmen who live in England the tenants are comfortable and the rents

\* "Emigration from Ireland," *Contemporary Review*, April, 1882.



reasonable, while some of the smaller resident landlords, unscrupulous or deeply in debt, extort the last penny they can get from the wretched tenantry.

While there are these exceptions to the rule I am convinced that absenteeism is a great disadvantage to the country and the people, particularly in view of the absence of almost all industrial enterprises except farming, and of the generally backward condition of the country and the people. It is too much to attribute to it all the evils that have been set down to its charge. It is, however, an important consideration that the people regard it as a great grievance; and think the twenty five or thirty millions of dollars paid every year to these landlords, who are rarely or never in Ireland, is a tax grievous to be borne.

The recent violent agitation has made it much more unpleasant even for good landlords to live in Ireland. The tenants are less cordial and friendly, the game, which was formerly a great attraction, is now often interfered with, or the hunting boycotted, and the landlord is in constant apprehension of trouble. Even the best of landlords are not always safe. In August, 1882, I got belated and stopped at the castle of a landlord to spend the night. The castle was closed at dusk, as though an enemy were expected. The owner had frequently been threatened, and it was necessary for him constantly to be on his guard against being shot. He evidently did not find his delightfully situated home a very pleasant place of residence, but he was loth to leave the country.

The recent land law has taken away some of the powers formerly belonging to the landlords, and may have the effect of increasing absenteeism for a time. The abolition of the law of entail and the simplification

and cheapening of modes of transferring land would probably diminish the evil by enabling those who do not wish to live in the country to sell, and those who desire to live on the land to buy.

In some cases the landlords rent the land directly to the occupying tenants. In others considerable tracts have been leased for long periods, sometimes in perpetuity, to persons who sublet to others. Sometimes the latter sublet in turn. In the early part of the last century this custom of granting long leases, and of subletting over and over again became quite common. Sometimes the actual working tenant was five or six removes from the landlord. Each of the landlords had a share in the rent. The middlemen are described by Irish writers as generally "idle, dissolute, and extravagant," and as lording it over the tenantry, as a slave owner rules his slaves. The tenants often complained bitterly of having to pay so many rents. I have been told of cases where the lease holder has agreed to pay a pound a year per acre, and sublets on the condition that the tenant pays the pound an acre to the landlord, and a pound an acre to himself. In cases of this kind the tenant complains that he pays two rents. Even if a tenant has only a small tract he often sublets portions of it to others.

The middlemen were much more likely to be severe in their exactions than the chief landlords. An extra shilling or two to the acre increased the middleman's income in a much greater proportion than it would have increased the landlord's, had he received all the rent. In like manner if the crops failed, and the middleman threw off five shillings from a rent of twenty-five shillings, of which he paid fifteen to the landlord,

he would give up one-half of his income, while if the rent of twenty-five shillings were paid to the landlord directly, the landlord would only relinquish one-fifth of his income by throwing off five shillings. It was therefore natural that middlemen should charge higher rents and be more exacting in making collections than the landlords who let directly to the tenants. The middlemen too were generally of a harder type than the landlords; they had no permanent interest in the country and cared little for its improvement. The great fall of rents in 1818, and in the famine times of '47, broke up many of them. The custom of subletting was discouraged by legislation, and has been to a considerable degree abandoned. It exists, however, and is found chiefly on lands leased for lives renewable forever. I once talked with a tenant whose immediate landlord was a middleman, apparently of the hardest type. The tenant had agreed to pay an almost impossible rent when prices were high and times good. The middleman was making a very handsome income with little or no trouble, and the tenant thought that in view of the hard times he ought to have some abatement. The middleman thought otherwise, and the tenant was very emphatic in his expressions of indignation.

In many cases where the occupying tenants hold directly of the landlord, an agent is employed who has charge of the whole business of fixing and collecting the rents and managing the estate. He has bailiffs or assistants who are sometimes termed "drivers" by the people, because at one time an important part of their duty consisted in distraining for rent,—driving off the cattle. The land agents have been the objects of a vast

amount of abuse. Some of the most startling murders have been those of agents. I heard an Irishman say a few months ago, "The old class of agents will soon all be out of the country. The sooner they get out the better. If need be, they ought to be shot out." In some cases the abuse is no doubt deserved. If the absentee landlord takes but little interest in the land and people, the agent, who is also sometimes an absentee, only visiting the estate two or three times a year, is often still more remote from the interests of the people, and unfamiliar with their customs and feelings. With no permanent interest in the land, he is likely to care less than the landlord for the people who live on it. His chief duty is to collect the rent, and as much of it as possible. He usually gets a percentage of the rent. His tenure of office and his pay alike often depend on his success in transmitting the desired sums to his chief. "If he sees a bit of bacon in the tenant's kitchen, he takes it as a sign that the tenant is prospering and can pay more rent," is the way I have heard the proceedings of some of the agents described.

It must be remembered that the agent's duties are often odious in their character. Where there is any opposition to the payment of rent, the agent often has to bear the brunt of it. Good agents undoubtedly there are, although I have heard Irishmen assert that they didn't think "there ever was a good agent." Mr. Vernon, one of the Land Commissioners, was for many years Lord Pembroke's agent, collecting rents amounting to half a million dollars annually. He is generally recognized as a remarkably fair-minded man, and his appointment as Land Commissioner was received with much favor by the tenants who knew him. He has for some time

been greatly interested in having the tenants, where they are at all prosperous, become the owners of their farms. There are other exceptions also. One naturally hears most of the extreme cases where the agents are most unpopular.

It is of course necessary to have, particularly where there are a large number of tenants, certain rules of the estate. These are sometimes applied so as to produce a good deal of complaint, even where the rules themselves are reasonable. An instance is related where the rule that two families should not live in the same house—under most circumstances, since the houses are very small in many parts of Ireland, a very good rule—was so applied as to turn an old woman out of her holding and home which she had occupied for fifty years, because she took her daughter, whose husband was dead, to live with her. Instances are related where tenants were compelled to pay a fine of half a year's rent "for giving lodging to a brother-in-law, a daughter, or other connection or relative," contrary to the rule of the estate which forbade the lodging or harboring of a stranger. In cases of eviction great suffering has sometimes occurred in consequence of this rule. On one estate the tenants were forbidden to marry without the agent's permission. Two young people however, resolved to marry in spite of the prohibition of the agent. "The two fathers-in-law were punished for harboring their son and daughter-in-law by the fine of a gale of rent, and the couple had ultimately to fly to America."\*

These instances will show the great power that has

\*The Irish Land Question and English Public Opinion. R. Barry O'Brien, Page 19.

sometimes been exercised by landlords. This power has been rapidly decreasing of late years. The spread of intelligence and of ideas of freedom and independence and the new legislation have made great changes.

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## CHAPTER II.

IRISH TENANTS—THEIR NUMBERS—SIZE OF THEIR FARMS—BANKRUPT TENANTS—EVIDENCES OF THRIFT AND PROSPERITY, OF POVERTY AND INDOLENCE SEEN IN TRAVELLING THROUGH THE COUNTRY—COTTAGES AND CABINS—PEASANTS AND BEGGARS—IMPROVEMENTS IN DWELLINGS.

COMPARATIVELY few, even of the resident proprietors, farm their own land. It is said that not more than one-eighth of the land in Ireland is farmed by "resident proprietors and yeomen." The remainder is rented often in very small lots. The average size of these farms or holdings has been increasing during the last forty years. In 1880 there were in all Ireland 574,222 holdings. Of these 276,240, or nearly one half the entire number, were less than fifteen acres, while 412,750 were below thirty acres. The following table compiled from statistics taken from Thom's Official Directory will show at a glance the numbers of holdings of different sizes at different periods:

	1851	1861	1871	1880
Not exceeding 1 Acre,	37,723	40,080	43,448	50,613
1 to 5 Acres,	88,083	85,469	74,809	64,292
5 to 15 Acres,	191,854	183,931	171,383	161,335
15 to 30 Acres,	141,311	141,251	138,647	136,518
Above 30 Acres,	149,090	157,833	159,303	161,472

It will be observed that notwithstanding the decrease in the population of the country and in the entire number of holdings, the number of those above thirty

acres has considerably increased. This change is due to the consolidation of holdings, and to the tendency to turn land formerly tilled into grazing farms.

Many of the holdings are too small and poor to support families decently. It is said that one-half the tenants do not pay on an average more than £6 rent annually. A large number pay much less. Where the rents are moderate, amounting say to one-third of the annual produce of the holding, the tenant who pays £6, or thirty dollars a year rent, has sixty dollars a year left to pay his expenses of farming and keep his family, often consisting of from six to twelve persons. In many cases he would not have anything like so much as this amount of produce left. In fact in some of the worst parts of Ireland one occasionally finds tenants who would have nothing whatever left of the produce of their holdings after paying their rents. In other instances where they pay very low rents they still have very slender means of subsistence.

One often finds these small tenants deeply in debt. In 1880 it was estimated that 140,000 of them were bankrupt.\* It was asserted in the discussions on the Arrears of Rent Bill last summer that from 150,000 to 200,000 were unable to pay their rents, and in need of relief. The causes of this indebtedness I shall speak of more at length in another chapter. Among them are the smallness and sterility of many of the holdings, the size of the tenants' families, the failure of crops, high rents, bad farming, lack of industry and thrift on the part of the tenants, and the general evils of the old system of tenure.

\* See "Landed and Tenant in Ireland," Finlay Dun, Page 3.



In some parts of Ireland the land is fairly well farmed, the stables, fences, roads and drains are kept in repair, the tenants live in neat cottages tidily kept; there are evidences of taste and culture among the people, the cattle and horses seem well fed and the improved farm implements show a progressive spirit in the farmers. In the North and East one sees many signs of prosperity. Some of the farms in the neighborhood of Limerick and others in Tipperary county are as fine as can be found anywhere. The crops of hay, oats and potatoes that one often sees in some of these more fertile districts are simply marvellous. An American friend who looked into a hay field where the grass had just been cut found it almost impossible to believe that all the hay lying on the ground had grown on the field, there was so much of it. Even in some of the more mountainous districts there are very fertile spots, and the crops often look well. Dairy farms are found in some of the rich level plains as well as in more mountainous places.

While there are evidences of thrift and prosperity in some places, in other parts of the country the majority of the farms have a most forlorn and neglected appearance. Even in the better portions of the country the houses and stables are often out of repair, the fences have fallen down, the hedges have spread out, the drains have filled up, weeds and bushes flourish where, with proper farming, good crops could be raised. Sometimes one sees tracts of land that appear to have been farmed out or reclamations made at considerable expense that have been allowed to run to waste again, and present a most desolate appearance. The houses in many of these districts

are often small and badly constructed. For example, on the grass farms of Roscommon, which vary in extent from fifty to five hundred acres, and several of which are frequently held by the same tenant, often a wealthy man, there are no buildings to be seen except the miserable huts of the herds and of occasional squatters; there are no trees for shade or shelter, and no hedges, clay banks and stone walls separating the fields. In some parts of the South and West one often finds the people living in small mud huts one story high, often with no floor, window or chimney, and the poorest conceivable sort of furniture. In these wretched huts the man and his wife and children live with the pigs and chickens, and the cow and donkey, if the family are rich enough to own these animals. The manure heap and green pool are sometimes so near the door that one has difficulty in entering. The inside is often much more like a very poor stable than a human habitation. Respectable farmers in this country would not keep their cattle and horses in such dwellings. One often sees these little huts on the edges of bogs or along the mountain side where the tenant has reclaimed a little waste land from which he manages to eke out an exceedingly scanty livelihood. The scenery around these houses is often exceedingly beautiful; but there is no trace of appreciation of the beautiful on the part of the people. In the summer of 1881 I traveled by jaunting car from Macroom to Glengarriff, and thence by coach to Kenmare and Killarney. The houses along the road were nearly all of the poorer sort. The contrast between them and the palaces of the rich was very great. Groups of cottages are often seen together. In these regions and in parts of Galway

and Mayo through which I traveled in a jaunting car in 1882 one often sees these little clusters of cabins by the road or on the hillsides, adding variety to a scene made up of stretches of wild bog or mountain, sometimes beautiful and varied with clear bright streams and lakes, sometimes black, treeless, barren and forbidding.

It is pleasantly surprising that the people, men, women and children, who come out of these wretched abodes, generally have much cleaner hands, faces and clothes than one would imagine. The children that one meets on the road or streets of the little villages, have usually clean, bright faces, and clean though often ragged clothes. The beggars are not always dirty or desperately poor either, if the stories told of some of their bank accounts are true. One sees a great many people, however, in the poorer parts of Ireland, who look pinched and shrivelled up with poverty and want. The traditional Irishman, jolly and careless, is not often found in these parts.

The great number of beggars that one meets in some parts of the country, cast a shade of sadness and melancholy over the impressions produced by the most beautiful scenery. The priests in some instances have forbidden the people to beg. It is not an uncommon thing for a traveler in some parts of the country to have several children following his car, sometimes at a break-neck speed, asking for pennies. Even the newsboys beg you much more persistently in Ireland than elsewhere, to buy their papers. Among these begging classes, politeness and suavity of manner are generally found. "They blarney a fellow out of his last shilling," a friend of mine said after exhausting his patience and small coin. In July, 1881, I passed through the gap of Dunloe

in company with three other Americans. We were attended by a troop of thirty or forty female beggars, some of whom wanted to sell us "mountain dew" or "potheen" whiskey and goat's milk or mementos of the place. After enduring their importunities for a long time, one of our party tried to persuade them to stop and wait for a large party of Americans who were only a mile behind us, and who, he said, had plenty of money, while we were impecunious. "O but we'll not see as handsome a gentleman as yourself in many a long day," was the reply that greeted him before his speech was ended. How many shillings it cost him he never would tell.

Politeness and hospitality are to be found everywhere in Ireland, in the landlord's castle and in the peasant's hut, in the closely crowded streets and in the wildest parts of the country. One never has reason to fear pickpockets or robbers. The way in which some of the people of the rougher sort speak of the hospitality that is due to strangers is interesting. One of them who was talking about the outrages, and looked as if he were always ready for a riot against the landlord, said, "Sir, you can travel anywhere in Ireland, from one end of it to the other, without ever being molested. If a man would dare to attack you, a hundred men would rise up in your defense." When we read of all the outrages, the murders and woundings, the violent agitation that has been going on in Ireland, we are naturally surprised to find politeness everywhere,\* a wonderful sense of security, and a great deal of intelligence.

\* One of the changes most noticeable in the Irish peasant who has been to America and has returned home, is a disregard of and contempt for little courtesies that he has come to believe were servilities. In a land of liberty and republican equality, he learned to reflect with shame how he touched

The mode of life and general condition of the people have improved considerably of late, and there is frequently found a desire among the poorer classes to live more decently. Hopelessness and utter lack of ambition are however too often characteristic of the Irish farmer and laborer. There is great need of improvement in methods of farming, and in agricultural implements. On some of the land machinery could not be used, but on much of it reaping machines and plows would be found much better than sickles and spades.

One of the most marked improvements is that which has taken place in the dwellings of the people. "The census commissioners of 1841 divided the dwellings of the people into four classes. The fourth class comprised all mud cabins having but one room; the third class consisted of a better description, built of mud, but varying from two to four rooms, with windows; the second were good farm houses, or in town houses, having from five to nine rooms, and windows; the first class included all houses of a better description. The following table shows the house accommodation in 1841, 1851, 1861, and 1871": \*

	1841.	1851.	1861.	1871.
1st class . . . .	40,080	50,164	55,410	60,919
2d " . . . .	264,184	313,758	360,698	387,660
3d " . . . .	533,297	541,712	489,668	357,125
4th " . . . .	491,278	135,589	80,374	155,975
Total of Ireland	1,328,839	1,040,223	995,156	904,359

his hat to a social superior at home. 'Twas a slavish custom, he thinks, and he throws it off, assuming instead what he means to be an assertive independence and equality. That too often is merely rudeness. No doubt in Ireland there was to be seen downright and painful servility; cringing, cowering slaves standing on the roadside with bare heads, in falling rain or sleet, while some squireen lashed them with his tongue. But between this and the genuine politeness of the Irish peasant of the better type, the difference was wide and plain.—A. M. Sullivan, *New Ireland*, page 9, note.

\* Thom's Official Directory, page 631.

It will be seen from this table that the per cent. of fourth and third class houses has decreased greatly, while that of first and second class houses has considerably increased.

## CHAPTER III.

LAND TENURE IN IRELAND—THE CELTIC TRIBE—"RACK RENTING"  
BY THE CHIEFS — ENGLISH TENURES — HARDSHIPS CONNECTED  
WITH THE INTRODUCTION OF THE ENGLISH SYSTEM INTO IRELAND  
—WAR AGAINST THE POWER OF THE LANDLORDS—CHANGES UN-  
FAVORABLE TO THE TENANT.

IN the recent agitation the cry, "the land of Ireland for the Irish people," has often been raised, and a strong feeling among the people of a right to the soil in some shape has been evident. There have been frequent allusions to the time when the land belonged to the people. Communistic theories and notions of property have been received with a good deal of favor by many of the people. French and American influences are sometimes set down as the cause. I think enough stress has not been laid on the traditions of the old communal system of the Celtic tribes. The Irish are an imaginative race, fond of dwelling on the past, on the former freedom and glory of their race, and idealizing the heroic deeds of their ancestors. The Celtic or Brehon laws have been much praised by some Irish writers, and greatly abused by the English. The Statute of Kilkenny denounced the code as "wicked and damnable." Spenser, Sir John Davies, and other writers view it in pretty much the same light. Some of these writers do not seem to have understood it clearly. The publication of translations of the *Senchus Mor* and of

the Irish Law Tracts by the Royal Commission appointed for that purpose, investigations by Celtic scholars, and a comparison of early customs and systems of jurisprudence, have thrown much light on the origin and character of the Brehon laws, and shown that their basis was the same primitive customs out of which the early Roman, German, and Hindoo laws sprung. The system in vogue in Ireland was by no means simple and uniform. On the other hand it was complicated, and differed in different parts of the country, and at different periods. Sir Henry Maine has given a good picture of his view of the Irish tribe in its relation to the land.\*

The theory in general was that the land of the tribe was the property of the tribe, whether it consisted of a joint family of kinsmen, or a larger and more artificial group. Allotments and re-allotments were made from time to time to individuals. The waste land was common. The chief who was elected during the lifetime of his predecessor, out of the same family within the fifth degree of relationship, had a general administrative authority over the common tribal land, and over the unappropriated waste. He had also an estate in severalty, as was likely the case too with other prominent men. He was a military leader, and often rich in cattle, which he portioned out among the tribesmen on terms somewhat similar to those on which the feudal lords let their lands, the tribesmen by taking cattle becoming the vassals of the chief. Besides these tribesmen who were in a certain sense tenants of the chief, there was a class who were much more entirely dependent, the out-

\* Early History of Institutions, pages 92 and 156.



laws or exiles from other tribes, of whom there are supposed to have been many, and who became the vassals of the chief, receiving his protection and cultivating his land. "They were the first tenants at will known to Ireland." Even in the remote past we find accounts of rack rent, which one of the glosses compares "to the milk of a cow which is compelled to give milk every month to the end of the year." "It is," says Sir Henry Maine, "certainly a striking circumstance, that in the far distance of Irish tradition we come upon conflicts between rent-paying and rent-receiving tribes—that at the first moment when our information respecting Ireland becomes full and trustworthy, our informants dwell with indignant emphasis on the rack renting of tenants by the Irish chiefs."\*

The exactions of the chiefs, "the cuttings and cosherings" and "spendings" were sometimes very severe. Still the right of every tribesman to an allotment of the tribal land, and to the use of the common was undisputed. The traditions of this communal ownership are still kept alive. The incidents and drawbacks to it, the heavy exactions of the chiefs, the servile condition of many of the people are forgotten, and the system is invested by the imagination with a wonderful amount of freedom and independence.

I shall not undertake to trace the history of the introduction of English tenures, as that would involve a review of too much early Irish history. Henry the Second introduced English laws for his English subjects. English tenures prevailed only in a small part of the island. Side by side with them for centuries, the old

\* Early History of Institutions. Page 177.

communal system with its elective chiefs and its descent by gavel-kind by which the property was distributed to all the sons in equal portions, was maintained. Henry III induced some of the chiefs to become converted into landlords, giving them titles to the lands of the tribesmen, over which they had before exercised only an official control. The confiscations of Elizabeth and James I, "the plantings" of Munster and Ulster extended the domain of English law, and a judicial decision in 1603 declared the Brehon customs illegal. After this the English system prevailed, although traces of the Celtic existed until a recent period. The Irish in many places clung to their old customs and refused to yield their rights to occupy a portion of the land. Perhaps there has never been a time when the theory that the people owned the land, although the landlord might be allowed the rent, did not have numerous supporters. The Irish "land hunger" and indignation at being turned out are centuries old.

The English system of tenures has been somewhat modified in its application to Irish lands. Of some of these modifications the Irish tenants complain greatly, and I think with justice. Judge Longfield thus sums up the most important changes :

"The feudal law of distress was increased in force, to make it a more powerful instrument for extracting rent from a reluctant or impoverished tenantry. The old laws, which were unduly favorable to the landlord, were generally retained, as if they had been unalterable laws of nature; but they were at once altered when they appeared to afford a temporary protection to the tenant."

Take the case of a disputed account between the landlord and tenant. The former maintains that a year's rent

is due to him; the latter insists that he owes nothing. Do they come before a court of justice on equal terms, to have this question tried? On the contrary, the landlord, as the feudal superior, takes the law into his own hands, and without making any proof of his demand, he sends his bailiff to seize the goods of the tenant. The landlord was not obliged to apply to any officer of the law, or to give any security to pay damages if his demand should prove to be unfounded. But it was otherwise with the tenant; if he saw his goods distrained by this summary process, he could not get them back without a troublesome replevin, which he could only get by giving security to pay the sum demanded. To discourage him from contesting the landlord's rights, he was compelled by an Act of Parliament to pay double the costs if he failed. Still, at common law, the distress, or goods distrained, could not be sold, and a tenant ruined and driven to despair, might submit to the loss, and still refuse to pay; but an Act of Parliament was passed to enable the landlord to sell the goods and pay himself.

Still he could not seize the tenant's crops while they were growing, as by the common law crops while they were growing were considered as a part of the soil and freehold, and could not be distrained. But here Parliament again intervened, and passed a law to enable the landlord to distrain the crops while they were still growing, so that as soon as the corn appeared above the ground, he might send his keepers to take possession, and cut and carry it away when it was ripe.\*

If the tenant removed his goods to avoid distress, an Act of Parliament intervened to visit him and the friends

\* This law was repealed in 1847.

who assisted him with a penalty, although the landlord himself may have been at the same moment hiding his own goods to evade an execution.

In the same manner Acts of Parliament were passed to give the landlord the power of evicting his tenant for non-payment of rent, and of recovering possession of the land in cases in which he was not entitled to this remedy either by the terms of his contract, or by the rules of the common law. Those laws were injurious by leading the landlord to rely more on the extraordinary powers given to him by law, than on the character of the tenant, or the liberal terms on which he set his land; but I refer to them now as co-operating with other circumstances to lead the poor Irish farmer to the opinion that the laws were framed entirely in the interests of the landlord class." \*

The fact that the tenant has usually made and maintained all the improvements, and has had no security in law against being forced to leave them without being paid for them, or against having their value practically confiscated by an unlimited increase of rent, has placed him entirely at the mercy of the landlord. Where the latter was a man of integrity, and honor, and strong enough to resist the temptation to profit by insisting upon his full legal rights, the tenant may have fared well enough. This was certainly the case in many instances. It was a grievous fault, however, in the system, and one unknown to the system in vogue in England, that the tenant of necessity made and kept up the improvements, and had no legal right to them.

\* System of Land Tenure, Cobden Club Essays, Land Tenure in Ireland, by Rt. Hon. M. Longfield, Judge in the Encumbered Estates Court. Page 11, et seq.

One often meets Irishmen who seem to thoroughly distrust the law and courts. Sometimes indeed they fear that justice may be done. More often they look upon the law as the instrument of injustice. Or they are slow to put faith in any measures of relief, and therefore often hinder rather than help in the execution of the laws. When one reads the history of Ireland, he is not surprised that the Irish people should have this distrust of English legislation. The law formerly gave the landlord almost despotic power. Sometimes he was honorable and forbearing; sometimes harsh and cruel. The feudal law in England was, long ago, modified in the interests of the people. In England, however, the landlord was of the same race, and had many interests and much history in common with the tenant. In Ireland the tenant looked upon the landlord as an alien, an invader, a conqueror, who had by confiscation forced a foreign system of laws upon the people, wholly disregarding their rights of property. The landlord too often returned the feeling of the tenant, if not with hatred, at least with contempt.

There has been in Ireland for nearly a century a determined war against the landlord's power, and the tenant has got many new rights secured to him by law, and a far better social standing than he had a hundred years ago.

## CHAPTER IV.

MODES OF LETTING LAND IN IRELAND—TENANCIES AT WILL—TENANCIES FROM YEAR TO YEAR LEASES—DESIRABLENESS OF LONG LEASES WHERE TENANTS MAKE THE IMPROVEMENTS.

TENANCIES in Ireland have been either "at will," "from year to year," or leases for years, lives, or in perpetuity. The tenancies at will, where "the land was let for such period as both landlord and tenant chose that the relation between them should continue—practically, so long as the landlord chose," have always been regarded with disfavor by the tenants. Until the time of Lord Mansfield, however, the law presumed, when a tenant was found in possession paying a rent without having the length of his term specified, that the tenancy was one at will. Such tenancies were by no means uncommon in England a few centuries ago. Out of some of those most dependent upon the will of the lord, copyhold estates sprang. At a very early period the law gave the tenant at will a right to the yearly crops which he had sown but not yet reaped when he was turned out. In the course of time his right was still further extended, and it was decided that where a tenant at will had entered and paid rent he was to be regarded as in effect a tenant from year to year and could not be turned out without six months notice.\*

\* English Land and English Landlords.—Broderick, page 204.

From Lord Mansfield's time the law assumed a tenancy, where no term was specified, to be from year to year. Such a tenancy was defined to be a lease for the term of a year, to commence at a certain time and continue until the end of the said year and so on to the next year, *de anno in annum*, as long as the parties pleased. This lease could be determined by the action of either party on six months' notice. A law enacted in 1877 made twelve months' notice necessary in Ireland, such notice to be given on any gale day on which the rent becomes due.

Tenancies from year to year, although liable to be ended at any time on proper notice by the landlord, might be, and as a matter of fact, were often allowed to run on for generations. Their long existence sometimes led the tenants to regard them as amounting to an almost perpetual interest in the land. The tenant could sell or assign his interest, although, of course, his successor was liable to an immediate notice to quit, and the value of his estate was therefore uncertain. Leases for long terms or in perpetuity have at some periods found favor with both landlords and tenants. The great absentee landlords at some periods preferred to grant long leases. They found it more to their tastes in the disordered state of the country to let their land to a few persons for long periods at low rents than to collect rents from a large number of small tenants, many of whom were often poor and hostile. The land was in these cases generally sub let, sometimes two, three, and even four or five times over, and the occupying tenant often paid a very high rent. Such leases were by no means beneficial to the country. It has, however, been a frequent cause of complaint that

the landlords would not grant leases. Want of security or fixity of tenure has been regarded as a great grievance. Sometimes the tenants were themselves unwilling to be bound by a longer lease than from year to year.

Spenser, writing on this subject, in 1596, speaks of the aversion of the landlords to granting and of the tenants to accepting leases, and of the general prevalence of tenancies at will, or from year to year. He saw the evils arising from such a system in a country where the tenants made the improvements, and urges that leases for long periods would be much better for both landlords and tenants.\* Other subsequent writers also grow eloquent over the evils of tenancies at will. In the eighteenth century leases became more numerous, particularly when by the gradual modifications of the penal laws, the Catholics were allowed first to hold reclamation leases for 61 years, (in 1771), leases for any term under 1000 years, (in 1777), and finally, (in 1782), to acquire freehold property. The greatest impulse given to the granting of leases was the extension of the 40s. franchise to the Catholics in 1793. This entitled any freeholder in the ordinary sense, or any holder of a lease for one or more lives at 40s. rent, to a county vote. The tenants usually voted with their landlords, and to get the largest possible political influence the landlords granted leases of small holdings most willingly. The greater the number of these freehold leases the larger the number of votes that the landlord had at his command. In the agitation that preceded the Catholic emancipation, (1828), the tenants in many cases

\* View of the Present State of Ireland.



asserted their independence of their landlords, and after this the granting of freehold leases of very small farms became less common. The abolition of the 40s. leasehold franchise in 1829, took away whatever motive there may have been left for granting these leases. The effect of the rage for leasing for long periods is seen in the fact that in 1845 it was estimated that one-seventh of the land of Ireland was held under leases for lives renewable forever. A few years ago one-thirteenth of the land was said to be leased in perpetuity. The Act of 1870 encouraged the landlords to grant leases for more than thirty years, and there has been a slight increase in the number of lease-holders since its passage.

While much of the poverty and wretchedness of the Irish tenants has been attributed to their not having leases, there is reason, I think, for doubting whether long leases are, on the whole, most beneficial for the country or the tenant, especially where the land is sub-let. One sometimes sees lease-holders for long periods living side by side with tenants from year to year, without any perceptible difference, in thrift and prosperity. Some of the most neglected looking holdings in Ireland are leases in perpetuity. Lord Dufferin asserts that "if you see a very ill-cultivated tract of land in Ireland, and ask a passer-by how it comes to be in that condition, a common answer is, 'Oh, sir, it's a lase.'"\*

The advantage of leases is that they give the tenant security of possession for a long period, and that he can then undertake and carry out improvements, and

\* Examination of John Stuart Mills' Plan for the Pacification of Ireland.

be certain to have the enjoyment of them for many years. This would seem to be a most decided advantage in a country where the tenant makes all the improvements. However, the tenancies from year to year often lasted from generation to generation, and the tenants usually preferred to run the risk of notices to quit rather than bind themselves to pay a fixed high rent for a long term of years, knowing that at the end of that time their rents would pretty certainly be raised, and perhaps a fine exacted for the renewal of the lease, or that he might be compelled to give up all his improvements without getting any compensation for them. The fixity of tenure provided by the new law has most of the advantages of long leases, and none of the drawbacks.

## CHAPTER V.

TENANT'S INTERESTS—THE LANDLORD'S TITLE—THE IMPROVEMENTS MADE BY THE TENANT—SOMETIMES OF NO VALUE TO THE LANDLORD—SOMETIMES MORE VALUABLE THAN THE FEE—THE CLAIM TO A RIGHT OF PERPETUAL OCCUPANCY—ITS ORIGIN—TENANTS' INTERESTS HAVE BEEN FREQUENTLY DISREGARDED, BUT ARE NOW SECURED BY LAW—THE ULSTER TENANT RIGHT—CHEAP AND SIMPLE MODE OF TRANSFERRING LARGE REAL ESTATE INTERESTS UNDER THE ULSTER CUSTOM.

THE value of land in Ireland may be said to consist of three elements. The first of these, the ownership of the soil, is the property of the landlord. The more violent of the agitators are in the habit of going back over the history of the conquest and confiscations, and asserting, that most of the landlords' titles are ultimately based on force or fraud, and ought not to be respected. The landlord class represents to them the foreign invader, and his right rests on plunder and injustice. Similarly harsh conquests and confiscations took place in other countries, but were followed by a blending together of the conquerors and conquered, of the new landlords and the old occupiers into one people, or the entire removal of the weaker party.

The second element in the value of land in Ireland is the improvements. In this country they are usually made by the landlord or by the tenant under an improvement lease, and are regarded as the property of the landlord. In England the same state of things

prevails. The maxim of the English law was, "whatever is built upon the soil goes with the soil." Whatever, therefore, is affixed by the tenant to the soil, becomes the property of the landlord. There have been some important modifications of this law in England and in this country, but in general it is still in force. The law in Ireland was the same until recently. The Roman law, while its general maxim was the one from which the English law was derived, had an important exception, giving the tenant a right to remove such of his improvements as were capable of being removed. In this way he usually secured compensation for such as were of practical value. The French law is based on the Roman, and the tenant is able to get compensation for at least a part of his improvements.

In Ireland the improvements have as a rule been made by the tenant. They are the result of his labor and money. There are "English managed" estates it is true where the improvements have been made, and to a great degree kept up by the landlord. These however are not very numerous. Usually the tenant or some one of his ancestors or predecessors has built the house and stable and fences and roads, made the drains, cleared away the stones from the land, and in general done whatever was done to bring the land into its present state of cultivation. If he did not make the improvements himself, he inherited them or paid his predecessor for them. He claims a right to use and enjoy and dispose of them by sale or will. In some cases the landlord has paid him for them either wholly or in part. In others the landlord claims that the tenant, by reason of his having had the land at a very low rent for many years, has been able to recompense himself for the labor

and money expended in the improvements, and that therefore they belong, in equity as well as in law, to the landlord who has virtually paid the tenant for them by letting him have the land at this low rent. Again there are cases where certain of the improvements on which the tenants lay great stress, are really not of value to the landlord. This is especially true in some of the poorer and more crowded districts, where the landlords would find it more profitable to let the land in holdings of considerable size for grazing purposes, than in small holdings as at present. The numerous small houses would be of no value were this change to be made. On the contrary, clearing them away would be a trouble and expense. In general, however, it may be said, that the tenant has made and maintained the improvements, or inherited or purchased them, and has at least an equitable right to them, and that they have added considerably to the letting value of the farm.

In some cases these improvements are of more value than the farm. An acre of bog land may not be worth more than two or three pounds. It often costs twelve or fifteen pounds to drain it. It is in cases of this kind that great hardships sometimes occur. The landlord or his agent, who is perhaps not very familiar with the history of all the little holdings on the estate, comes along and finds a tenant with a few acres of fertile land, which he reclaimed a few years ago, and for which he pays what is now a very low rent. The rent is evidently far below the market value, and is accordingly raised—not enough very likely to eat up the entire value of the improvements—but enough to create alarm and bitterness. The more extreme of the Land League party have claimed that under the term

improvements, ought to be included all the difference there is between entirely uncultivated land and the land in its present condition.

Besides this right to the improvements which he or his predecessor has made, the tenant claims a right to occupy the land indefinitely on the payment of a certain rent. In this country a man rents a farm for a year for so much, and has no thought of acquiring any further right to the property than for the one year. But in Ireland the case is quite different. There are traditions of the old tribal communal state of things, when every tribesman had a share in the land. One often hears the maxim, "The land of Ireland for the Irish people." The Land League utterances are full of the doctrine that "the Lord intended the land of Ireland for the people who till it." The stories of the cruel confiscations are told over and over again and again, their injustice is loudly asserted, and the feelings of the people aroused in this way. In many cases too the same families have lived on the same estates for many generations. Everything in the shape of a house or stable, or fence or drain, has been made by them. Long use and the application of their labor to the improvements has given them a feeling of ownership. It is their home. The family traditions cluster around it. They have paid rent to a foreigner in race and religion, often a man whom they rarely saw. The landlord or agent appeared at rare intervals, but took no interest in the place beyond getting the rent. They managed the place as they chose. The landlord and agent in many cases would prefer the old tenants to new ones, and so long as they secured the rent, naturally did not care to turn out their tenants. In this

way long tenancies were encouraged. The great number of leases granted to small holders for long periods, towards the close of the last century, giving the same families interests in the same holdings for several generations, served to strengthen the feeling of ownership. When the leases expired the same tenants very often continued to hold the land from year to year. From whatever causes the feeling springs, it is a fact that in many parts of Ireland, the tenant has all along regarded himself as entitled to live on the land from year to year indefinitely, on the payment of the rent. He thought that he and the landlord were joint owners of the property—the landlord owning the rent, the tenant the land.

These two elements—the improvements and the right of indefinite occupancy—have long been regarded by the tenant as his interests. Until recently he has had no legal guarantee for them, although the courts of equity sometimes acknowledged them. It is the claim to these interests that has made the tenant resist so strongly any attempt to turn him out of his holding. I shall in subsequent chapters explain the provisions of the new legislation, which give him a legal right to these interests, and enable him to enforce that right.

The interests of the tenant, although often insisted upon with great earnestness, were not until the year 1870 recognized by law. They were, however, often sold, with the consent of the landlord. More than two hundred years ago, Sir William Petty estimated the "benefit of leases and the value of the tenant's improvements" at nearly one-fourth of the annual value of the land. In many cases where changes were to be made

the landlords allowed the tenants to sell their interests or good will to their successors. In some instances the money has been paid through the office of the estate. Where this was the custom the landlord has been able to retain the arrears of rent, if there were any, out of the money paid for the tenant's interests. The landlord of course could refuse to accept a successor whom the outgoing tenant might select, and could thus exercise an important control over the sale of the tenant's interest. Or he could turn out the new comer shortly, if he disliked the terms of the sale. In some cases the landlord failed to see that the tenant had any interest, but held that he himself alone had the right to dispose of the occupancy of the farm, and he therefore charged the incoming tenant a considerable sum at the outset, or raised the rent so that the new comer could not afford to pay the retiring tenant anything. It often happened that the incoming tenant paid the outgoing one for his interests, and paid a fine or an increased rent or both to the landlord.

These interests often brought from three to seven years' rent, and were recognized by those who had business in connection with land. Of course there were many estates on which they were not recognized, and were of little or no value.

A great deal has been said of the Ulster tenant right. As it has occupied an important place in the Irish land question for a long time, and is the basis of some of the most important provisions of the recent legislation, it may be worth while to describe its chief characteristics. The right differs much on different estates. On no two does it seem to be precisely the same. It is therefore not a right capable of being strictly defined.



Nor did it have any legal sanction until the year 1870. The law did not recognize it.

One of its chief incidents was that the tenant was entitled to live on his farm from year to year indefinitely on condition of acting properly, and paying his rent, which the landlord might raise from time to time to a reasonable extent but not so as to extinguish the tenant's interest.

In the second place, if the tenant got in debt, and could not pay the rent, or wished for any other reason to leave the holding, he could sell his interest, but the landlord had a right to be consulted, and could object to the purchaser.

In the third place, the landlord, if he wanted to take the land for his own purposes, must pay the tenant a fair sum for his tenant-right.

In the fourth place, all arrears of rent must be paid before the interest was transferred.

These are said to be universal characteristics of every Ulster tenant-right custom. There were often additional restrictions or provisions, usually in limitation of the tenant's right to sell, or of the landlord's right to raise the rent, veto the sale of land, or take it for his own use. There were commonly established usages in reference to fixing a fair rent. Valuers were generally employed, and on their estimates, and not on competition in open market, the rent was fixed. One of the questions coming up most frequently in the recent discussions, was how far the landlord has a right to an increase of rent on account of the increased value of the land, caused by the improved cultivation, the general improvement of the country, a general rise in the prices of agricultural

produce, etc. This question had to be considered, and on its determination the value of the tenant-right in a great degree depended. On some estates the tenant's interests became very valuable, worth ten, twenty, thirty, and even forty years' rent. In such cases, the landlord's interests were sometimes worth much less than the tenant's.

The tenant was not always allowed to sell for the highest price he could get. If the incoming tenant paid too high a price he might become bankrupt, or be disabled from stocking and working the farm properly, or from paying the rent which the landlord might think reasonable. The principle of free sales which has been introduced into the new land law, may, it has been strongly urged, operate badly in a similar way, as tenants may be tempted to pay far more for tenancies than they can afford to pay without greatly reducing their power to cultivate the land properly. So great is the pressure for land in Ireland, that just as men may be found willing to promise to pay almost any rent, so there are those who will undertake to pay enormous prices for tenancies.

The mode in which these tenants' interests have been sold is very simple, and quite in contrast with the cumbersome and expensive methods by which the landlords' interests, sometimes not more valuable, are transferred. "John M'Garry holds a farm at the yearly rent of £30. He owes a year and a half's rent, and he wishes to sell his farm in order to emigrate, or to set up a shop, or to pay his debts, or for any other purpose. Charles O'Neil agrees to give him £500 for it. He asks the agent's consent, which is granted. They call on the

agent at his office; all arrears of rent are paid, probably out of the £500. An entry is made in the books, and the name of Charles O'Neil is entered as tenant in place of John M'Garry. The transaction is then complete, without any law expenses or any risk of bad title. It is true, that as against the landlord it rests upon his honour, and upon public opinion; but as against the rest of the world the title is perfect. No creditor, purchaser, mortgagee or claimant under any former tenant can disturb the purchaser. A notice to quit by the landlord will protect him against every other claimant. It is no small advantage to be emancipated from all the complicated laws of landed property."\*

All parties seem to agree that its results are very beneficial to the tenant, and although the landlord gets a lower rent in proportion to the entire value of the estate than when the custom does not exist, his income is much more certain, and the percentage received on the money invested probably larger.

Before the Act of 1870, which legalized the Ulster tenant-right, the value of the tenants' interests depended, of course, mainly upon the leniency of the landlord. He might raise the rent so much as to make the interests practically of no value. In case he were not benevolently inclined he was greatly restrained by the moral sentiment of the community, and by fear of disturbances, should he violate the established customs of the estate.

\* Systems of Land Tenure in various countries. The Tenure of Land in Ireland. Cobden Club Essays.—Longfield,

## CHAPTER VI.

RENTS—CONFLICT OF EVIDENCE—MR. MITCHELL HENRY ON RENTS—  
PER CENT. ON LANDLORD'S INVESTMENTS—MR. VERNON ON RENTS—  
PORTION OF PRODUCE—RENT RAISING—REASONS WHY IRISH TEN-  
ANTS AGREE TO PAY IMPOSSIBLE RENTS—FEAR OF HIGHER RENTS AN  
EXCUSE FOR LACK OF IMPROVEMENTS—THE HANGING GALE—AR-  
REARS OF RENT—GRIFFITH'S VALUATION.

I HAVE made many attempts to find some general statement to characterize properly the rents paid for land in Ireland. While traveling in Ireland, I made frequent inquiries of landlords, agents, solicitors and tenants. One finds the greatest diversity of statement. He can get any sort of evidence he desires on this, as on nearly every other subject connected with the land question. One tenant assured me that he knew his landlord was making twenty per cent. on his investment, and undertook to give facts and figures to prove his assertion. Others have told me they paid as much or more for the possession of their holdings than the entire annual value of the produce. I have seen a few instances where there appeared to me to be good ground for such statements. A lawyer who had had something to do with land cases in Ireland told me he knew men who were making ten, twelve or even a higher per cent. on their investments, when the times were good and the rents paid. Mr. Mitchell Henry, who has done a great deal for the prosperity of one of the poorest parts of Ireland, reclaiming waste land,

turning a desert into a garden and giving employment to a large number of poor laborers, and is pretty familiar with the customs of the country, told me that five per cent. was considered a fair return for money invested in land in the western part of Ireland; but that some of the landlords exacted six, eight and even ten per cent. and these created most of the trouble and not a little of the distress. Mr. Vernon, himself a landlord and for many years a land agent, managing large estates, and now one of the Land Commissioners, and probably as well posted in regard to the views of the better class of landlords as any man in Ireland, says four and one-half per cent. on the investment is considered a fair return by good landlords in the best parts of Ireland. In this country where the landlord makes and keeps up all the improvements, the tenant often pays one-half the annual produce. In Ireland I heard a landlord say that a common way of speaking about the rent was that a farm ought to produce three rents—one for the landlord, one for the tenant and one for the laborer. This would make the landlord's share one-third of the annual produce, which would probably in most cases not be an unfair rent, even taking into account the value of the tenants' improvements. In England, when rents are paid in good times, investments in land are said to pay from two and one-half to four per cent. The greater risk is the reason assigned for the larger percentage obtained by investors in Ireland. Were it not for the unsettled state of Ireland the land would rise in value until its rent was not more than three and one-half or four per cent. on the investment, is the political economist's way of putting it. He makes no allowance for the monopoly of land which

Irish landlords have had. From these various statements it will be seen that there are undoubtedly cases where exorbitant rents have been charged, and that in many cases the rents are considerably higher than they ought to be.

The rents are usually highest in proportion on the poorest and smallest holdings and on those that have more frequently changed owners. In some places the rents have been repeatedly increased during the past thirty years; in others they remain unchanged. Mr. Finlay Dun refers to a landlord in Shannahee Village "who is said to advance his rents every second year, and who has one tenant paying £16 10s. for a holding rated at £2 10s., and raised to its present value by the labors of the occupier."\* As a tenant could not be turned out of his holding without six months, or after the act of 1877, without a year's notice, the landlords who wanted to increase their rents often gave notices to quit some time before they announced an increase of rent, in order that if the tenant refused to agree to pay the higher rent, there would be less delay in turning him out.

Mr. Charles Russell is responsible for the following account of the way in which the rents were raised on Lord Lansdowne's Inveragh estate. The rents had been fixed at fifteen per cent. above Griffith's valuation; about three years afterwards the bailiff went around among the tenants a few weeks before the day for the payment of rents and warned them that the rents would be raised and that they must bring along more money than usual. When the day

\* Landlord and Tenant in Ireland.

came they found their rents had been increased from twenty to twenty-five per cent. A few years afterwards a similar increase occurred with the same sort of warning, and later still a third increase was made in a similar way. "The serfs in this (Cahirciveen) part of the property were frightened into compliance by the threat that Lord Lansdowne would sell that part of his property if they refused to pay the rise. The people had so much experience of the hardships and horrors experienced by their neighbors at the hands of 'Gombeens,' or small land speculators, that they were left no option but that of saying, 'For God's sake don't sell the property, save us from those infamous land sharks, land speculators, and we will strive to pay the increase, although we have to keep our families and ourselves in poverty and rags!'"\* On the other hand it is quite certain that in many cases the rents are reasonable, and, were the holdings sufficiently large, and the tenant industrious and enterprising, he would be prosperous. It is true the land court has reduced the rents in the cases decided by it on an average 22 per cent. I heard Mr. Healy allude to this as proving that the landlords of Ireland were "a set of thieves." It does not however mean that all the rents in Ireland will be reduced in the same degree. The worst cases naturally apply first. Thousands of tenants are well contented and will not apply at all.

It is a singular fact that the very earliest writers who give an account of the land system in Ireland talk of high rents. Nearly three hundred years ago Spenser and Sir John Davis, were indignant over the sums ex-

\* New Views of Ireland, Charles Russell. —70.

acted of the tenants. "The landlords," says Spenser, "use most shamefully to rack rent their tenants laying upon them coygnye and liverye at pleasure and exacting of him (besides his covenants) what he please." \*

Sir John Davis is equally emphatic in his expressions of indignation. He too like Spenser had had large experience in Irish affairs and knew whereof he wrote. Other writers add their testimony to the same effect. A century later, Sir Wm. Petty values all the land in Ireland at nine millions sterling, and the rental at nine hundred thousand, or ten per cent. of the value of the land.

One of the provisions of the penal laws disabled Catholics from holding leases for more than thirty-one years, or at a rent less than two-thirds of the annual value of the produce of the property with its improvements. Swift is very severe in his denunciations of the rack renting, commonly practiced by the middlemen. "The rise of our rents," he says, is "squeezed out of the very blood and vitals and clothes and dwellings of the tenants, who live worse than beggars." And again he says, "There are thousands of poor wretches who think themselves blessed, if they can obtain a hut worse than the Squire's dog-kennel, and an acre of ground for a potato plantation, on condition of being as very slaves as any in America." Arthur Young says of the middlemen, they "grind the people to powder by their rents and exactions."

In the early part of the present century the war with France forced prices up very high. Rents were raised to an unprecedented degree. The reaction came in

\* View of the Present State of Ireland.



1815. Prices fell. The suffering and distress among the people were very great. In many cases the tenant farmers had taken leases at "war rents" which naturally did not fall as quickly as the prices of produce. The middle-men fought hard to collect the sums which were necessary to prevent their own ruin. But the great majority of them became bankrupt.

The complaints of high rents continue. Some of the people would probably not be satisfied with any rents, however low. The story is told of a landlord who made considerable reductions in his rents in view of the failure of crops and supplied his tenants with potatoes to plant. A man who was asked whether these tenants were satisfied answered, "Some of them would like to have the land without rent and the landlord to dig the potatoes for them." .

The state of things in which the tenant must make the improvements and the landlord is at liberty to raise the rent at will, is certainly not likely to produce prosperity and contentment among the people. Fear of higher rent is the reason commonly assigned by the tenant for the unimproved and utterly neglected appearance of the holding and his wretched home. A physician who was called to see a very bad case of fever a short time ago expressed some indignation at the manure heap and green pool in front of the door. "Why don't you clear them away?" he said, "Och the landlord would raise the rent in less than no time," was the reply. In some cases the least sign of improvement, a better horse or coat, a new gate, a new piece of furniture, "a bit of bacon hanging up in the kitchen," is said to have been made a pretext for raising the rent. Mr. A. M. Sullivan, who spent a

portion of his early life in one of the poorer parts of Ireland, says, "There can be no doubt that the wretchedness of Irish peasant homes, their grievous disregard of comfort, neatness, or cleanliness, was derived almost entirely from the idea that improvement would invoke a rise of rent. When I was a boy I was full of glowing zeal for "cottage flower-gardens," and removal of threshold dung-heaps; but my exhortations were all to no purpose. I was extinguished by the remark, "Begor, sir, if we make the place so nate as that, the agint will say we are able to pay more rint."

While there has no doubt been much oppression, there have also been some very good landlords—some of them among the largest absentee owners too—who rarely, perhaps never raised their rents. The renewal of a lease or a change of tenants, was usually made the occasion for an increase, where such increase was determined upon. Some of the new purchasers in recent years have been the most oppressive. Irish shop-keepers who invested money in land under the Encumbered Estates Act, have often proved the very worst sort of landlords. Landlords who have made improvements on their estates and raised the rent in consequence have often been the subjects of great complaints, the tenants charging that too much was added to the rents in consequence of the improvements. There may be just ground for some of these complaints. I incline to think that in most of these cases the tenant does not appreciate the value of the improvements. He prefers in many cases to live and farm as his father lived and farmed. The old house, wretched and forbidding as it seems to a stranger, is to him quite as desirable as the neat new cottage for which he pays a higher rent, and

which does not increase the quantity of potatoes that he can raise on the land. It often happens no doubt that the tenant cannot afford to pay rent for improvements which, however good and desirable in themselves, to him are merely luxuries and do not in any way increase the productiveness of the farm.

It is frequently the case that a great while ago, a man with or without the consent of the landlord settled down on the edge of a bog or by the side of a mountain, built a little cabin, and little by little drained the bog or removed the stones from the mountain side, fenced and farmed the land, and made sometimes a very poor, sometimes a somewhat productive little farm. There were many more instances in which the tenant of a small holding encroached gradually upon the adjoining waste bog or mountain, and little by little increased the size and value of his holding. As I have said, in some, perhaps most of these cases the tenant had the consent, real or implied of the landlord. In others the general feeling prevalent in Ireland in reference to communal rights to waste land, and perhaps his own desperate need led the tenant to assume that he might take possession of the land. Whatever right he may have had to it originally, he or his descendant who now occupies it, regards the little farm as peculiarly his own, for was it not his own labor or that of his father that created almost the entire value of the land? In many of these cases no doubt the tenant has had the land for a long time at a very low rent, the landlord or agent recognizing his right to enjoy the fruit of his labor. In process of time the landlord or agent concludes that the land is worth more rent and accordingly the rent is raised. It is alleged that by reason of the

tenant's long occupancy at a low rent, he has been able to recompense himself for his labor. Sometimes the new agent or landlord does not know or care for the history of the property. The rent and as much of it as he can get is the main thing. Cases of this sort are mentioned where the tenant was turned out of his holding in a few years after he had made the improvements, without any compensation for them. This was possible before the passage of the Act of 1870. Even under that Act, it was possible for the landlord in most cases to turn out the tenant by raising the rent so high that its payment was impossible. All this is changed now, as we shall see.

Good landlords often recognized the tenant's right to such improvements. It was the bad landlords who made the trouble, and even these only exerted their legal rights. The system was a most vicious one.

The tenant often undertook to pay an impossible rent. He claims, as we have seen, a right to the possession of the holding. He has usually made, or inherited, or bought the improvements. It is his home, the home of his father and his family. He has no opening for his labor, if he is turned out. He is too poor or too unenterprising to emigrate or migrate to a better labor market. Farming is the only means of livelihood open to him. Wherever there is a vacant farm he knows there are a dozen men who want it. If he leaves his farm he does not know where to go or what to do. "Starvation stares the evicted Irish tenant in the face." This is the way the matter presents itself to him. No doubt in many cases he might do far better for himself than stay on his holding even at a very low rent. He, however, does not think so, but

agrees to pay an enormous rent rather than leave. The landlord says: "I have a right to this rent. I could get even a higher rent from so and so." And very likely he could. I have often heard it said that before the recent agitation "there was no rent of a holding in Ireland so high but that some Irishman might be found foolish enough to undertake to pay a higher." Sometimes it is simple folly, sometimes the force of circumstances and hard necessity, that leads the tenant to undertake to pay an impossible rent.

The rent is usually payable half-yearly. The habit of allowing arrears of rent to accumulate has been very common in some parts of the country, and in the long run very bad for both landlord and tenant. This custom has been particularly common in the South and West. The landlord because of his forbearance, or of the difficulty or impossibility of getting the rent, or in order that he might have a pretext for turning the tenant out at any time allowed the tenant to fall behind in his payments. In some parts of the country it has been a regular custom to allow half a year's rent to remain always unpaid. "This is so much the case, that a tenant who had not paid his landlord the rent that fell due on the first of November would in the following month of March describe himself as owing no rent to his landlord, and in a year after would describe himself as owing only a year's rent. He would not count the rent that fell due the preceding November." \*

This carelessness in the collection of rents, or forbearance, if one prefers to look upon it in this way—

\* "Land Tenure in Ireland," by Judge Longfield.

and sometimes it is due to kindness and forbearance—has had a very demoralizing effect on many tenants. They have become hopelessly in debt to their landlords. In some instances, it was said during the discussions on the Arrears of Rent bill, the tenants owed six, eight, ten, and even twelve years' rent. Some of them were so involved that they did not know how much they did owe. On their part the debt was due to bad crops, bad farming, accident, misfortune, profligacy, high rents and a great variety of other causes. Whatever the cause may have been, the situation where a considerable number of such tenants are found is deplorable. The tenant, who is hopelessly in debt, who, no matter what skill and industry he may use, can not hope to pay all his arrears, and who besides looks upon his landlord as unjust and oppressive, is likely to pay just as little as possible, and then only when compelled by distress or fear of eviction. All sorts of pretexts are used to avoid paying. He assumes the garb, and airs, and tone of extreme poverty. It sometimes happens that tenants could pay, when they claim to be in the most abject poverty. Sometimes those who claim that they have no money find, when face to face with eviction, that they have plenty.

The same sort of a deception among certain classes is often used in connection with other payments. The following incident will illustrate the tendency: In the summer of 1881 I rode in a third-class railway car from Tralee to Limerick. When we reached Newcastle, the races were just over, and several hundred people, some of whom were not a little tipsy, were waiting on the platform for our train. When the train stopped the crowd made a rush for it, and in a mo-

ment all the compartments of the cars were tightly packed and half the people could not get in. The outsiders whacked away at the doors of the cars with their shillalahs and tried to drive the occupants further in. The insiders tried to strike back, and a bloody riot seemed imminent. One heard amid the din such cries as "let me out," "they're crowding me to death," "they're killing me," "help me," "they're murdering a man over here; they're murdering him." "Murther! Murther!" After the battle had lasted about three quarters of an hour the din ceased, the smoke of the conflict cleared away, and the train moved off. Nobody had been hurt. When the train stopped a little way out of town and the guards came around to see that all the passengers had tickets, one woman in our compartment had lain down flat under the seat, and another had concealed herself under the shawls of her friends, while a third insisted upon giving for her passage a ticket that bore no resemblance whatever to a railroad ticket. The guard told her that she would have to pay her fare. She stoutly asserted that she had bought the ticket from the regular agent and paid him two and six-pence, all the money she had. By and by after a long parley the guard took the ticket but told her she would have to pay the regular fare all the same. Meantime the woman who had hid under the shawls was almost suffocated and compelled to come out for air. She said that she had no money and must get back to Limerick that night. She hadn't a penny. The guard insisted that she must pay or be put off. After quite a parley she discovered that she had a six-pence. After more solemn protestations that she hadn't another penny, and more threats from the guard, she found

three pence more, then another parley followed and another discovery, until finally the necessary two and six-pence were handed over. Just before we reached Limerick the collector of tickets came around, when the woman who had given the bogus ticket claimed that she had given her ticket and brought forward witnesses to prove it. The dispute lasted until we reached Limerick station, and when I left the car the collector of tickets and the woman were going off to the superintendent to have the matter settled. When they had gotten a few steps away from the car he turned and saw a female form emerging from under the seat. I heard him exclaim in a tone of bewilderment, "Good heavens! another woman under the seat!" Such scenes I am told are not very uncommon. They illustrate the character of a certain class of the people. It would be very unfair to take them as showing the characteristics of the whole people, many of whom are upright and honorable.

On some estates there is what is known as "the hanging two gales" of rent. These are said, in some instances, to date back to pre-famine times. As long as the tenant continued to pay regularly, they were not made use of against him. If he failed to pay, an ejectionment could be brought against him at once. He was often not conscious of their existence. Rev. Mr. McCutchan, of Kenmare, says that when the receipt was given him for his first gale of rent, he was surprised to find that it was dated a year back, and that he not only appeared to be owing a year's rent, but to have paid rent for the year before he became a tenant. The agent explained that it was the custom of the estate. This hanging gale, sometimes of mythical origin, has



been used by landlords to enable them to turn out obnoxious tenants. Its general effect has been demoralizing. The Arrears of Rent Act recognizes its existence, but does not abolish it, although it came in for a great deal of abuse in the discussion in Parliament last summer. There has been a general demand on the part of the tenants for fair rents which shall not be liable to be increased at the will of the landlord. In view of the tenants' interests and of the effect of the rent on their value, it is natural that such a demand should be made. Griffith's valuation, which was made for government purposes, under the direction of Sir Richard Griffith,\* has been accepted by the tenants in many cases as a standard for fair rents. It has been found, however, not to be a just standard to follow invariably. The valuation in many cases was acknowledged to be somewhat below the letting value of the property at the time, and agricultural products and other commodities have greatly increased in price since it was made. In other cases the valuation is too high. It is generally agreed that it would not be well to adopt it as an invariable standard, although the tenants have fought hard for it in some places.

\* Sir Richard Griffith was appointed commissioner for the general valuation of land in Ireland in 1830, and continued in that office until 1863. The valuation was made during the earlier years of his term of office. The valuers were directed "to value the land on a liberal scale, in the same manner as if employed by one of the principal landlords who was about to let the lands to a solvent tenant on leases say of twenty-one years." Sir Richard himself says the valuation was "about twenty-five per cent. under the full rack rent value, but very near that of many of the landed proprietors of the country."

## CHAPTER VII.

MODES OF ENFORCING THE PAYMENT OF RENT—PERSONAL ACTIONS—DISTRESS—A SCENE OF DISTRESS—EJECTMENTS—EVICTIONS FROM AN IRISH STANDPOINT—"SENTENCES OF DEATH"—REASONS FOR THIS DREAD OF EVICTION—ILLUSTRATIONS OF IRISH FEELING IN REGARD TO EVICTIONS—MR. BUTT AND BISHOP NULTY DESCRIBE IMPORTANT EVICTIONS—HUTS FOR EVICTED TENANTS—THE LADIES' LAND LEAGUE.—A TENANT'S DEVOTION TO HIS CABIN—STATISTICS OF EVICTIONS FROM 1849 TO 1882.

THERE are three modes of enforcing the payment of rent. In the first place the landlord can bring a personal action against the tenant for the fulfillment of the contract that has either been expressly made to pay a certain sum, or is implied by the fact that the tenant is found occupying the farm. In the second place the landlord can distrain for his rent. Distress was originally used to enforce the performance of feudal obligations. In process of time it came to be a common means of enforcing the payment of rent. I have referred to the fact that in Ireland the law of distress was more severe than in England. It was for a long time the common means of enforcing the payment of rents and tithes in Ireland, and, though somewhat fallen into disfavor by reason of the numerous technicalities to be observed in its application, it is still often used. Mr. Wakefield many years ago drew a picture of a scene of distress which is certainly interesting "I have seen the cow, the favorite cow, driven away accompanied by the sighs, the tears, and the imprec

tions of a whole family, who were paddling after, through wet and dirt, to take their last affectionate farewell of this, their only friend and benefactor, at the pound gate. I have heard, with emotions which I can scarcely describe, deep curses repeated from village to village, as the cavalcade proceeded. I have witnessed the group pass the demesne wall of the opulent grazier, whose numerous herds were cropping the most luxuriant pastures, whilst he was secure from any demand for the tithe of their food, looking on with the most unfeeling indifference."

In 1860 the law was so modified that only the last preceding year's rent could be recovered by distress. During the past two or three years the soldiers and constabulary have often been called in to help drive away the cattle, or seize other property for the payment of rent. One often sees a small army accompanying a few cows to market. The people usually look on sullenly, and manifestations of grief and anger are often seen. When bailiffs go unprotected by officers, they are apt to be resisted. Lively scenes occur sometimes, the people coming to the rescue of the cattle, sometimes hustling them off to a place of seclusion, sometimes driving away the bailiffs.

The third mode of enforcing the payment of rents is by ejection or eviction. This could originally be brought for non-payment of rent only when the letting was by a lease containing a clause, allowing the landlord to re-enter on the failure of the tenant to pay his rent. The law was amended so as to allow an ejection to be brought in all cases of lettings by written agreements when one whole year's rent was in arrear. The tenant from year to year on parole agreement could not be turned

out by an ejectment for non-payment of rent. He could be given a notice to quit, however, and be ejected one year after the next gale day following. In case such a tenant fell in arrear one year, and the landlord undertook to force him to pay by turning him out, the ejectment could not take place for more than a year after the notice had been served, and when the landlord got possession of the holding he was out of pocket for two years and a half of rent. An amendment to the law was therefore introduced, allowing the landlord to eject a tenant upon non-payment of one year's rent, when the rent was less than £50, even though there was no written agreement. This made evictions more common. There were, however, a number of technicalities to be observed often, making it well nigh impossible to use the method. The law of 1860 removed some of these obstacles, and made ejectments "cheap and easy, so that they fell like snowflakes." The tenant, however, might save himself from being turned out by paying at any time, up to the last moment, the rent and costs to the sheriff, and could be restored to the possession of his holding by paying at any time within six months after having been turned out the rent and costs into the court in which the action had been brought. After the law of 1860 was passed, much alarm and excitement was often caused among the tenants by notices to quit, and by ejectments. A few cases would put a whole neighborhood in a state of consternation. The law declared the relations between landlord and tenant to be based on contract, not on tenure, and gave the landlord the right to proceed on that theory. Great discontent was created by some of the proceedings under this act.

While many of the evictions have been for non-payment of rent, not a few have been for other causes. The effect of the laws of 1870 and 1881 has been to make evictions dear and difficult. The landlord, unless he evicts for non-payment of rent or breach of covenant, must pay pretty heavy damages, and the tenant still has a right to dispose of his improvements. The provisions of these acts I shall explain more at length in other chapters.

Evictions have played so important a part in the troubles of Ireland, and have been the source of so much bitterness and of so many outrages, that it is worth while to look at them from an Irishman's point of view. Here, if a tenant cannot pay his rent, or the landlord wants to make a change, and turns him out, little is thought of it. The right of the landlord is recognized, and, as a rule, nobody pities the man who is turned out. In Ireland it is altogether different. There the people generally regard an eviction as a terrible outrage. I have already alluded to the tenant's making and maintaining the improvements, and to his claiming a right to permanently occupy the holding. The traditions of the times when the land belonged to the people, the belief that the English still want "to root out the Irish from the soil," the history of the penal laws, which tended to deprive the great mass of the people of every valuable right of citizenship, including the right of owning real property, the harshness and cruelty sometimes exercised by individual landlords, the fact that the evicted tenant often has no place to go to, no occupation, no home for his family, and sees nothing before him and them but extreme want, the workhouse, and perhaps starvation, have all combined

to make the tenants strongly resent and resist every attempt to turn any of them out of their holdings. An eviction usually creates a great deal of excitement and feeling in the neighborhood. It matters little in some places what the character and habits of the tenant may have been, or how deeply he may have been in debt to his landlord, he is regarded by his neighbors as a martyr. The Irish newspapers sometimes give graphic accounts of the horrible proceedings. Sometimes it certainly is a great hardship to the tenant to be turned out. It is true in some instances that starvation and death stare the evicted Irish tenant in the face. Sometimes there has undoubtedly been great harshness shown by landlords, agents, and bailiffs, and much distress and suffering have resulted from the exercise of the landlord's legal right. The wholesale evictions on some estates, after the great famine of 1848, did much to embitter the Irish tenants, and increase their dread of evictions and their indignation against landlords for evicting. The traditions and memories of those times had much to do with the violence of the recent agitations. People feared another famine and wholesale clearances of estates. Many of them were so deeply in debt that they felt the danger was imminent.

I do not see how I can give so clear an idea of the views and feelings of the Irish people on this subject as by inserting descriptions of important evictions by some of their well-known writers. The cases that have made the most profound impression are those in which considerable numbers of people have been evicted. Mr. Isaac Butt gives the following account of one of these cases: "A few years ago a gentle-

man purchased in the Landed Estates Court the property of one of the wildest and most beautiful of the highland districts of Ireland. In a valley almost separated from the rest of the world, round a primitive hamlet, there dwelt a peaceful population, who could have probably traced back their generations in the same spot to a period before the plantation of Ulster. Differences arose between the new-comer and the old inhabitants. A man was murdered under circumstances which gave the new proprietor a pretext to say that it originated in this feud. Under the excuse of punishing the non-detection of the murderer, he cleared his estate of every living soul. In vain the Protestant and Catholic clergy joined in a solemn protest against a sentence which they pronounced both cruel and unjust. In vain they bore their testimony to the peaceful character of the little community whom that sentence doomed to a miserable fate. The proprietor was inexorable in his stern resolve. Nearly 300 human beings were driven out without the prospect or the power of doing anything on God's earth to get them bread. Their mountain homes were levelled to the ground, and one great sheep farm occupies the district which gave shelter and bread to numbers of human beings."

The tendency to turn small agricultural holdings into grazing farms has often been stoutly resisted. Mr. Butt thus describes a case where evictions were made for this purpose. "A townland in one of the midland counties was inhabited by a prosperous and contented community. An estate of five hundred acres was divided into about thirteen farms; thirteen thriving families occupied the ground. They paid a rent, the full value of their farms. They paid that rent punctually.

The families of some had occupied for centuries the same farms. The industry of themselves and their forefathers had given fertility to the soil. Crime was unknown among them. Disputes with their landlords they had none. It suited the convenience of the landlord to sell his interest in this estate. The purchaser was buying it to traffic in it, and he believed it would be more marketable if it were freed from the incumbrance of human beings. To effectuate this the seller covenanted to clear the estate. The tenants, who had paid up every penny of the rent, were all served with notice to quit: they were all evicted. Thirteen human habitations were levelled: the inmates turned out upon the world, reduced at once from comfort to absolute beggary."

Rev. Dr. Nulty, Bishop of Meath, describes a similar case with a great deal of feeling. "Seven hundred human beings were driven from their homes on this one day. There was not a shilling of rent due on the estate at the time, except by one man. The sheriff's assistants, employed on the occasion to extinguish the hearths and demolish the homes of those honest, industrious men, worked away with a will at their awful calling until evening fell. At length an incident occurred that varied the monotony of the grim and ghastly ruin, which they were spreading all around. They stopped suddenly and recoiled—panic-stricken with terror—from two dwellings, which they were directed to destroy with the rest. They had just learned that typhus fever held those houses in its grasp, and had already brought death to some of their inmates. They, therefore, supplicated the agent to spare these houses a little longer; but he was inexorable, and



insisted that they should come down. He ordered a large winnowing sheet to be secured over the beds in which the fever victims lay—fortunately they happened to be delirious at the time—and then directed the houses to be unroofed cautiously and slowly. I administered the last Sacrament of the Church to four of these fever victims next day, and—save the above-mentioned winnowing sheet—there was not then a roof nearer to me than the canopy of heaven.

The scene of that eviction day I must remember all my life long. The wailing of women, the screams, the terror, the consternation of children, the speechless agony of men, wrung tears of grief from all who saw them. I saw the officers and men of a large police force who were obliged to attend on the occasion cry like children. The heavy rains that usually attend the autumnal equinoxes descended in cold, copious torrents throughout the night and at once revealed to the houseless sufferers the awful realities of their condition. I visited them next morning, and rode from place to place, administering to them all the comfort and consolation I could. The landed proprietors in a circle all round, and for many miles in every direction, warned their tenantry against admitting them to even a single night's shelter. Many of these poor people were unable to emigrate. After battling in vain with privation and pestilence, they at last graduated from the workhouse to the tomb, and in a little more than three years nearly a fourth of them lay quietly in their graves."

These accounts illustrate not only the deep feeling excited by the evictions, but also the harshness sometimes shown in carrying out the process. There are

cases, it is true, where comparatively little sympathy is excited. It often happens that the evicted person tries very hard to excite the feelings of the neighbors. I was told of a woman, last summer, in Mayo, a notorious character, who, without any necessity for so doing, sat on a chair by the roadside all night to excite the sympathy of the people. Often no provision is made beforehand for the family, although it is known that the eviction will take place. It is true that the family that has been turned out has great difficulty in finding another home. The neighbors are often forbidden to shelter them. In some instances at least, this prohibition is made to prevent over-crowding in houses already very full. In others it is a part of the punishment for non-payment of rent.

Huts are often erected for the family of the evicted persons. These in the mountainous parts of the country are usually built by the side of a large rock. The earth is scooped out to the depth of two or three feet, and piled up at the side and one end of the excavation. Pieces of wood are put across this wall of earth to the rock, and a covering of straw or sod placed on the top. There is usually a hole in the roof for a chimney. In these huts, which are commonly six to nine feet wide, by nearly twice the length, and five or six feet high, the evicted family live. One who has seen such huts with their wretched occupants can understand more easily the feeling of the people in regard to evictions. The evicted tenant is sometimes re-instated as care-taker at a very small salary.

The Ladies' Land League have recently seen to the erection of comfortable huts for some of those who have been turned out, and support has in many cases

been given them from the funds of the League, large sums having been subscribed for that purpose. The organization of a committee—"The Land Corporation"—to see that the rights of owners of lands from which the tenants had been evicted, are protected, has been confronted by an organization to support evicted tenants.

The landlords, although often allowing for the tenants' interests, and permitting their sale on the transfer of the holdings, have as a rule not permitted the tenants' right to permanent occupancy. The long tenancies which have helped to produce this feeling of ownership in the tenant, have, they say, not been a recognition of the right of perpetual possession, but for the convenience of both parties. The expense to the landlord of evicting tenants is so great that, as a rule, he will put up with not a little inconvenience before undertaking it. Besides, the unpleasantness of the proceeding, and the ill feeling that it causes, keep most landlords from indulging in it for pastime, as one would think they did from hearing some of the Irish orators. Far the larger number of evictions are for non-payment of rent. In many cases two, three, or even four or more years' rent are due.

Even where the tenants are hopelessly in arrears, and have no chance of maintaining themselves decently, they resent the idea of leaving their cabins. In August, 1881, a gentleman took me to see one of the most wretched mud huts that I had seen anywhere. There were no windows, no chimney, no floor, scarcely anything at all in the shape of furniture. The approach was very disgusting, and the house worthy of the approach. My companion

said, "I want you particularly to see this cabin, for it is very much like one that is on my place, and that perhaps leads some travellers to regard me as a very bad landlord indeed. The truth is, my tenant has not paid me any rent for years, and I never expect him to pay. He has no work at his trade, and can not have enough to make a living in that neighborhood. He has a wife and six children, all living in just such a wretched little hovel as this. When I once suggested that it would be better for his family if he would go where he could have work, he strongly resented my suggestion, and when I hinted at emigration, he became furious. I should have had a riot among my people pretty soon if I had urged him to go to the States."

Such are undoubtedly extreme cases, but they occur and illustrate the habits and feelings of certain classes of the people. Any process that would compel the people to leave some of these wretched abodes, and begin life anew, where they would have at least some hope of success, is certainly desirable. In very many cases the right influences brought to bear upon them with sufficient aid extended to them would induce them to move to other parts of the country, or emigrate and find better homes elsewhere.

The following table, compiled from official returns, shows the number of evictions throughout Ireland from 1849 to July 31st, 1882.

Year.	Evicted.		Year.	Evicted.	
	Families.	Persons.		Families.	Persons.
1849 . .	16,686	90,440	1854 . .	2,156	10,794
1850 . .	19,949	104,163	1855 . .	1,849	9,338
1851 . .	13,197	68,023	1856 . .	1,108	5,114
1852 . .	8,591	43,494	1857 . .	1,161	5,475
1853 . .	4,833	24,539	1858 . .	957	4,643

Year.	Evicted.		Year.	Evicted.	
	Families.	Persons.		Families.	Persons.
1859 . .	837	3,872	1871 . .	482	2,357
1860 . .	636	2,985	1872 . .	526	2,476
1861 . .	1,092	5,288	1873 . .	671	3,078
1862 . .	1,136	5,617	1874 . .	726	3,571
1863 . .	1,734	8,695	1875 . .	667	3,323
1864 . .	1,924	9,201	1876 . .	553	2,550
1865 . .	942	4,513	1877 . .	463	2,177
1866 . .	795	3,571	1878 . .	980	4,679
1867 . .	549	2,489	1879 . .	1,238	6,239
1868 . .	637	3,002	1880 . .	2,110	10,457
1869 . .	374	1,741	1881 . .	3,876	—
1870 . .	548	2,616	1882 . .	3,049	—

About two-thirds of the evictions for the first six months of 1882 were for non-payment of rent. The returns for a few of the separate months of 1882 are as follows:

Month.	Evicted.		Re-admitted as tenants or caretakers.	
	Families.	Persons.	Families.	Persons.
April . . .	519	2,734	237	1,228
May . . .	698	3,581	200	1,478
June . . .	515	2,669	272	1,399
July . . .	321	1,619	161	841

## CHAPTER VIII.

CHRONIC POVERTY AND DISTRESS—WRETCHED CONDITION OF THE PEOPLE DESCRIBED BY MR. NIMMO AND THE DEVON COMMISSION—THE FAMINE OF '47—ALWAYS ON THE VERGE OF FAMINE—CAUSES OF THE POVERTY AND DISTRESS SUGGESTED—THE LAND SYSTEM HELD RESPONSIBLE BY IRISHMEN—THE WAR AGAINST THE LANDLORDS—THE WHITEBOYS—ANCIENT "MOONLIGHTERS"—THE RIBBON MEN.

IRELAND has been called the island of sorrows. Cries of distress have gone up from it for centuries. War has devastated the country. Famine and fever have done terrible work with the survivors of the wars and massacres. That is a horrible and ghastly picture that Spenser draws of the desolation and terrible distress that followed the suppression of Desmond's rebellion in 1580. In the seventeenth century we hear of distress arising from the uncertainty of tenure, and from the heavy exactions of rents, from confiscations, from the impoverishing effects of the penal laws, and the laws against Irish manufactures and commerce, as well as from the revolts and punishments that followed. The effects of the penal laws are often referred to. They were calculated to impoverish the greater part of the people, and undoubtedly added greatly to the distress. Burke has described the iniquities of this terrible code in eloquent language. Many other writers describe the distress and wretchedness that prevailed in Ireland in the seventeenth and eighteenth centuries. Numbers of the people seem to have been constantly on the very verge of starvation.

Committees appointed by Parliament in the early part of this century describe the condition of the people as "wretched and calamitous to the last degree."

In 1825, Mr. Nimmo, an eminent engineer, who had travelled much in Ireland, testified before a committee "that the peasantry of Ireland are in the lowest possible state of existence, their cabins in the most miserable condition, and their food, potatoes and water, without even salt." Frequently had they begged him on their knees to give them some promise of employment, from the credit of which they might get the means of support. He attributed the dreadful state of things to the land system, under which the landlord had practically unlimited power, so that he could extract from the peasant every shilling beyond a bare existence, and could at the least reverse of prices seize his cow, his bed, his potatoes in the ground, and everything he had, and dispose of his property at any price.

In 1830 another committee reported, "a condition of poverty and suffering which no language can possibly describe, and which it is necessary to witness in order fully to estimate."

The report of the Devon commission appointed in 1843, contains a great deal of evidence of the poverty and wretchedness of the people. The frightful scenes produced by the famine of 1846-8, the utter desolation, the indescribable suffering, and the terrible fever that followed, form one of the darkest chapters to be found in the history of any race or nation.

Such a famine could not have occurred except where great numbers of the people were living on the very brink of want and distress, where a thickly crowded population relied upon one means of livelihood, and

were regularly separated from starvation only by a crop of potatoes.\* Hundreds of thousands died by famine and fever. The survivors were impoverished, and often greatly demoralized, and landlord and tenant alike suffered great distress for some time afterwards. Since then, whenever there has been a partial failure of the potato crop, suffering and distress have increased. When any danger of famine threatens, the memory of '47 fills the people with alarm and consternation, since many of those who were eye witnesses of or actors in those dreadful scenes are still living. We must keep in mind this chronic distress in order to understand many recent events, much that is otherwise inexplicable.

I shall not undertake to set forth at length the causes of this deplorable state of things. Much difference of opinion prevails in regard to them. I think we may safely number among them the long-protracted agonies of conquest and the frequent revolts and insurrections, keeping a people naturally restless in a demoralized and most unsettled state; the repeated confiscations of land followed often by neglect on the part of the government, both of the people who were displaced and of the new settlers; the introduction of a foreign land system, often by unwise agents and methods, with a large class of landlords who did not identify themselves with the people or country, but merely drew their rent and spent it elsewhere,

\* "To any one looking beneath the surface the condition of the country was painfully precarious. Nine millions of a population living at best in a light-hearted and hopeful hand-to-mouth contentment, totally dependent on the hazards of one crop, destitute of manufacturing industries and utterly without reserve or resource to fall back upon in time of reverse. What did all this mean but a state of things, critical and alarming in the extreme? Yet no one seemed conscious of the danger."—*New Ireland*, 58.



with tenants holding at the will of the landlords and making all the improvements; a system of penal laws which practically prevented eleven-twelfths of the people from acquiring real estate, or an education, except with the destruction of their cherished religious faith; laws that compelled the people to support a church not their own; laws that almost destroyed Irish commerce and manufactures, and threw the people back wholly on the land for support; and the character of the people themselves, partly inherited and partly produced by causes which have been mentioned.

The people of Ireland have looked upon the land system as the cause of most of their distress and poverty. Many an Irish tenant whose troubles are solely of his own making regards the landlord as the author of all his woes. If he has planted his crop too late, taken no care of it, spent the proceeds recklessly, been idle or drunken, and suffers the consequence, he nevertheless blames the tyranny of the English and the cruelty of the landlord.

Many of the troubles have undoubtedly been due to the faults of the system of land tenure. I have described the way in which the land is owned, usually in large tracts, by those who do not live on or near their property, some of the evils that are supposed to belong to absenteeism, and to the system of managing estates through middle-men and agents, the uncertain tenure by which most of the land has been held, the manner in which improvements have been made by the tenant, who has often had no security whatever for them, the feeling very prevalent among the tenants, that they have a right to the permanent occupancy of their holdings, and the horror with which they look upon evictions. It is not

strange, in view of the circumstances enumerated in the previous chapters and of the character and habit of thought and feeling among the people, that in periods of unusual distress there should be crimes against the persons and property of landlords and of those who help uphold the land system, and that from time to time there should be organizations established for the purpose of opposing by every means the power of the landlords. No hungry man is happy; on the contrary, he is usually ready for any sort of a riot. Much more is he apt to be violent if he sees or thinks he sees starvation staring himself and his family in the face, and believes the cause of the threatened calamity to be before him in the persons of landlords who extort an exorbitant rent from him for lands which they or their ancestors took from himself or his fathers by force or fraud, and for improvements which are the fruit of his own toil and money.

The dispossessed Irish in the days of Elizabeth sometimes turned robbers, or as bushwhackers waged a war, although too weak to declare it openly. In the reign of James the First "the English inhabitants found their ricks burnt, their cattle houghed, and their houses broken into by gangs of men with blackened faces who beat and otherwise maltreated them," \* in a decidedly modern style. The first organized attempt at an agrarian insurrection seems to have taken place in 1769. Grievances similar to those out of which it sprung are still causes of complaint. The tenants had in many cases encroached upon the waste lands, reclaiming small portions, and thus adding little by little to the size

\* "The Kingdom of Ireland." Walpole, page 339.

of their holdings, with the express or implied permission of their landlords to whom this waste land was of little value at the time. Some of the tenants, it is said, paid rent for these additions, others did not. All claimed a permanent right to the reclamations at a low rent. The landlords, although never recognizing this claim to permanent occupancy often allowed the tenants to occupy their holdings without interruption. In consequence of the cattle disease in England and on the continent, Irish beef and butter came to be in great demand and cattle farming very profitable. The landlords of Tipperary undertook to clear off the tenants from the waste lands which had been to some extent reclaimed and from which the tenants took turf, and from some of the smaller holdings, and to rent them to large graziers at a high rent. Some of the evicted tenants emigrated, others remained and kept up a war against the graziers. They threw down the enclosures built for the cattle and, as the disorders spread, a regular organization was formed to demand "the restoration of the waste lands, the reduction of rents and the reinstatement of the small tenants who had been turned out." They wore white shirts over their other garments as 'a badge of union,' and were called White-boys. They went about searching for arms, arresting and punishing those who refused to obey their laws in a most cruel manner. The "moonlighters" of to-day are following in their wake.

Other similar organizations were formed to resist the payment of rent and tithes. The Land Leaguers of those times visited with severe punishments those who refused to join their ranks. One of the means of torture used was carding, which has been revived recently. It is

thus described. "The card consisted of a board with spikes, somewhat like sixpenny nails, through it. To this board a handle was attached. The unfortunate victim would be placed upon the ground or upon a table, upon his face, by some of the ruffians, who would scratch him down the back: and if it were a case in which severe torture was to be inflicted, they would cut him across."

In the tithe war which followed Catholic emancipation, some of the means of enforcing no-tithe manifestoes were interesting in view of their similarity to what is occurring now. The process servers were maltreated, often compelled to eat the processes which they tried to serve. The police had a hard time of it: extra and unpleasant duties. If they succeeded in seizing the cattle of some one who refused to pay his tithes, nobody would buy the cattle or give them food. It was necessary to drive them to the nearest port and ship them to England.

During the past two or three years the Ribbonmen have again come into prominence as the perpetrators of outrages. Their organization dates back at least as far as 1826. They developed from an old Catholic organization called Defenders that for many years fought with the Peep o'Day men, a Protestant organization, said to be the parent of the Orange Society. The other secret Irish societies have been apparently organized for a temporary object. When that object was accomplished, the society was dissolved. The Ribbonmen, however, keep up a perpetual organization. "In peace or war the Ribbonman remains enrolled in his lodge, ready at a moment's notice to go from any part of the kingdom to another in obedience to the commands of his leaders." \*

\* "The Irish Agrarian War," by R. Barry O'Brien.

This permanent organization has overshadowed the other societies of which little has been heard in recent years. The Ribbonmen are active, and seem to recruit their members when there is any special distress or a large number of evictions. In prosperous times, they have usually been comparatively quiet. An instance of the terrible violence of these societies is found in the fate of nine Protestant tenants whom Lord Lornton brought to Longford to take the place of Catholics. The Catholics thought it was a revival of the rooting out process, and the Ribbonmen took terrible vengeance on the new comers. Of the nine, four were murdered, two were shot and badly injured, and the other three had their cattle destroyed. Fifty years ago it was unsafe to take the farm of an evicted tenant.\*

The Ribbonmen established lodges in England and this country. It is generally believed that the recent outrages have been mostly their work.

\* See Sir George Cornwall Lewis on Irish Disturbances, and A. M. Sullivan on Ribbonmen in *New Ireland*.

## CHAPTER IX.

LORD MELBOURNE ON THE IRISH LAND SYSTEM—EARLY AGITATION FOR REFORM—PLANS SUGGESTED—"THE DEMOCRATIC ASSOCIATION"—"THE LAND FOR THE PEOPLE"—THE PRESBYTERIAN SYNOD OF ULSTER ON LAND REFORM—THE TENANT LEAGUE—THE ENCUMBERED ESTATES COURT—THE LAND ACT OF 1860—FREE TRADE IN LAND—FREEDOM OF CONTRACT BETWEEN LANDLORD AND TENANT IMPOSSIBLE.

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IN the foregoing chapters I have described, and, without undertaking to write a systematic treatise on the subject, illustrated a few of the chief features of the system of land tenures in vogue in Ireland before the recent legislation. The chronic distress in Ireland has been attributed by many of the people to the working of this system. The terrible outrages that have disgraced Ireland have been usually put down to the same cause. Lord Melbourne declared on the 18th of March, 1831, "that all the witnesses, Catholic and Protestant, magistrates and others, who were examined before the various select committees with reference to Ireland, had with one voice ascribed the disturbed state of the country to the relations subsisting between landlord and tenant to the manifest injury of both." The complaint was that the tenant's interests were not protected, that he could be forced to leave the improvements on which he had spent his money and labor, and had no right to any compensation for them. The first propositions

for reform sought to provide compensation for improvements.

Agitation for reform had been carried on for many years before any material progress was made. In 1835, Mr. Sharman Crawford, member for Dundalk, introduced into Parliament a bill by which the tenant on being evicted, should be entitled to compensation for improvements made with the consent of the landlord, or for those made without such consent, if the Chairman of Quarter Sessions decided that the improvements had been necessary for the tenant's wants. The bill did not pass, although it had some earnest advocates. Since then the subject has been introduced very often, sometimes by the government, sometimes by private members. Other reforms were urged by various parties. There was a demand for the removal of the obstacles in the way of free trade in land, for the abolition of the law of primogeniture and entail, and also for placing the relations between landlord and tenant on the basis of contract, instead of tenure.

The famine of '48, and the evictions that followed it, made the people more discontented than ever with the land system. The Democratic Association organized about this time, adopted as its rallying cry, "the land for the people." A plank of its platform was:—"The land of Ireland for the Peasant—a peasant proprietorship in fee must be, and with the help of heaven, will shortly be planted in our little island." This association, whose aims are said to have been "largely communistic and revolutionary," opposed the Irish Alliance, the Nationalist Society organized by Charles Gavan Duffy. The Alliance men denounced the Democrats as Anarchists and worse, while the latter retorted by describ-

ing the former as "purse-filling-loyal and-constitutional-peaceful-struggling-golden-link-of-the-crown-politicians, &c." Such mild epithets, however, did not satisfy the rank and file of the party. They abused each other in the most vigorous and emphatic way. The fierceness with which the different factions of Irish reformers assail each other, is scarcely equaled by the bitterness with which they attack the English, for in the former case there is more often added a personal element.

During the years '49 and '50, numerous Tenant Protection Societies were formed throughout the country, the Presbyterians of Ulster taking quite as active a part as the Celtic Catholics of the other provinces. In May, 1850, the Presbyterian Synod of Ulster adopted the following resolution: "That the Synod do petition Parliament, that whatever measure they may adopt to readjust the relations of landlord and tenant in Ireland, such measure shall secure to the tenant-farmers of Ulster, in all its integrity, the prescriptive usage of that province known by the name of tenant right." It was also resolved, against the protest, it is true, of the more conservative men, to petition Parliament to extend to the rest of Ireland, the benefits of rights and securities similar to those of the Ulster custom.

The Irish Tenant League was organized August 6, 1850, in Dublin. Among the resolutions adopted was one, calling for "a fair valuation of rent between landlord and tenant in Ireland," and another, "that the tenant should not be disturbed in his holding as long as he paid his rent." The question of arrears received a great deal of attention. The great majority of the tenants of Ireland were in arrears, owing to the succes-



sive failures of the crops, and were of course liable to eviction. The state of feeling seems to have been much the same as that which created the demand for Mr. Gladstone's recent Arrears of Rent Act. It was finally resolved, "That in any valuation which shall be made before the 31st of December, the valuers shall, on the demand of either landlord or tenant, inquire into the arrears of rent due by the tenant, shall estimate the amount which during the famine years would have been due and payable for rent under a valuation, if such had been made according to the prices and circumstances of the same years, and also the amount which during the same period has actually been paid for rent to the landlords, shall award the balance, if any, to be the arrears then due, and that the amount so awarded for arrears be payable by instalments at such period as shall be fixed by the valuers, and shall be recoverable in all respects as if it were rent."

The Tenant League was a very popular one and spread throughout the country. There was much agitation, and in the general election in 1852, when the excitement was at its height, fifty-eight tenant Leaguers were elected to Parliament. The tenant League members resolved to hold themselves "independent of and in opposition to all governments which do not make it a part of their policy" to give the tenants a measure of relief such as the League desired. It looked as though the party would hold the balance of power and be able to secure its objects. When however Sadler and Keogh, two of the most prominent men in the party and men of great influence, accepted positions in the new government, "bribed by office," it has always

been charged by the Irish, "to betray the cause to which they had been most solemnly pledged," the party was broken up without accomplishing its purpose.

The Encumbered Estates Court undertook to simplify in some cases the transfer of lands and to put estates into the hands of those who could improve them. I have already given some account of its operations. The sales made by it were in most cases sources of increased irritation among the tenants rather than remedies for the old discontent. Under the old landlords where estates had often been owned by the same families for several generations, and the same families had lived upon and farmed the holdings for a long period, there was often a recognition, express or implied, of the tenant's right to the improvements and to live on the farm without interruption from year to year indefinitely. If a tenant left for any reason, he was allowed to sell his interest or good will, and his rent was often fixed with at least some reference to the value of his improvements. When some of the new purchasers, who had bought the land as an investment and naturally wanted to make the most of it, proceeded without regard to the old customs of their estates or any real or supposed interests of the tenants to take the highest rents they could get or to turn out their tenants, tear down the houses and consolidate the holdings for grazing or other purposes, great alarm was produced.

In 1860 two laws were passed, the one intended to encourage the granting of leases and the making of improvements by permitting limited owners to grant the former and giving compensation for the latter un-

der certain rather stringent conditions, and the other declaring the relations between landlord and tenant, to be based upon contract and not upon tenure, and sweeping away a great mass of technicalities that had been very troublesome to both parties. The provisions for compensation for improvement were very inadequate. The attempt to substitute contract for tenure and to simplify the relations between landlord and tenant failed in most cases. The two parties went on pretty much as before. In some instances, however, the landlords found the new law an advantage to them. When they wanted for any reason to get rid of tenants, they found comparatively cheap and easy methods for making evictions. The political philosophers who thought free trade in land a remedy for all the ills of Ireland, had failed to take into the account the tenant's interests and to provide security for them. The Encumbered Estates Courts, and the Land Act of 1860, though in themselves good, were not suited for the state of affairs in Ireland, and instead of mending matters, if anything, made them worse.

I have met many people in this country who cannot understand why the Irish tenants are not satisfied with holding by contract. Freedom of contract is practically impossible between landlord and tenant in Ireland. The freedom of contract allowed by the law of 1860 gave the landlord the power to appropriate the value of the tenant's improvement, and to turn him out of the holding. Mr. R. Barry O'Brien but reflects the view of the Irish tenants in general when he says, "There is no delusion more necessary to be dispelled from the English mind than that produced by the 'contract' argument of the Irish landlord. The English-

man who merely regards the relation of landlord and tenant in Ireland from a commercial point of view will never succeed in comprehending the Irish land question.”\*

To the question “why should the state interfere with freedom of contract between landlord and tenant?” Mr. O'Brien answers by asking, “Why does Parliament regulate or fix and limit the price which a railway company charges me for my traveling ticket? Why are not we, the ‘contracting’ parties, the railway company and myself, left to settle between us how much the price in every particular case shall be? It is because the law says we are not free contracting parties; the railway has a monopoly of that which is in a sense a necessity to me and to others; and if when I stood at the ticket office the matter were left to contract, I should practically have to give them five shillings a mile, if they demanded it.”†

The demand for a new law which should give the tenant some security of tenure and a right to the improvements was renewed and met by the land law of 1870.

\* “Parliamentary History of the Irish Land Question,” 106.

† *Ibid.*, 107.

## CHAPTER X.

JOHN BRIGHT AS A CHAMPION OF REFORM—MR. GLADSTONE'S FIRST GREAT MEASURE OF REFORM—DISESTABLISHMENT—THE LAND ACT OF 1870—THE ULSTER TENANT RIGHT LEGALIZED—COMPENSATION FOR DISTURBANCE AND FOR IMPROVEMENTS—A LAND CASE IN COURT—RELIEF GIVEN WHERE IT WAS GREATLY NEEDED—STATISTICS—EVICTIONS CONTINUE—MR. BRIGHT'S PLAN FOR ENABLING TENANTS TO BUY THEIR FARMS—HINDRANCES TO ITS SUCCESS.

"MR. BRIGHT, Sir, is a true friend of Ireland, one of the best friends any people ever had," was the utterance of an Irish peasant-farmer, who was talking to me of the English people. The name of John Bright is often heard in Ireland, with respect and reverence, sometimes with real affection. Perhaps no Englishman is regarded with more favor than he. For many years he urged that radical changes should be made in the Irish Land Laws, that the laws of Primogeniture and Entails should be abolished, so that the land might gradually become the property of the people who farmed it. As far back as 1849, he said, "We must free the land, and then we shall discover, but not till then, that industry hopeful and remunerated—industry free and inviolate is the only sure foundation on which can be reared the enduring edifice of union and peace." While many Englishmen ascribed the disorders and outrages committed in Ireland to the turbulent character of the Irish people, he held that there must be some real and great grievance to account for them. His influence on

public opinion, both in Ireland and England, was very great, and did much to bring about the first of Mr. Gladstone's great measures of reform, the dis-establishment of the Irish Church.

Mr. Gladstone declared in the House of Commons on the 16th of March, 1860, "that the time had come when the Irish Church establishment must fall." His famous resolutions were introduced one week afterwards, the government were defeated, and appealed to the country. Mr. Gladstone and the Liberals took up the Irish cause in earnest, and the people ratified the sentence that "the Irish church establishment must fall."

The second great reform measure proposed by Mr. Gladstone was the Land Law of 1870. As this law has often been referred to in the recent discussions, I will give a brief account of its chief provisions. It legalizes the Ulster Tenant Right on estates where it had been recognized. Where the Ulster Tenant Right did not prevail, the tenant was allowed compensation for disturbance, and also for his improvements, on being turned out of his holding. His right to occupy his farm without interruption, was, therefore, indirectly recognized by compelling the landlord to pay damages on evicting him. The scale of maximum compensation for disturbance, varied from one to seven years rent. He was not as a rule entitled to compensation for disturbance, if turned out for non-payment of rent, or breach of contract. All arrears of rent and damages for non observance of contract, and taxes due from the tenant, were to be deducted from the sum awarded for compensation.

The tenant was allowed compensation for his im-

provements, whether he was turned out of his holding, or left it voluntarily.

There were a number of conditions and restrictions that often operated against the tenant's interests. A great deal was left to the discretion of the County Court Judges before whom the proceedings were held.

The scale of compensation for disturbance was apparently regulated with the design of protecting the smaller tenants against evictions. The court might grant the tenant whose holding was valued at £10, or under, seven years' rent, while the tenant, whose holding was valued at more than £100, was not entitled to more than one year's rent, or more than £250. The judges usually granted the maximum compensation, but so many offsets were brought in by the landlord, that the amount realized was often small. So it was where compensation for improvements was claimed. Prof. Richey has given a graphic account of the way in which proceedings in such cases are likely to be conducted.

"The landlord wishing to get up possession, offers to the tenant a sum of money to surrender his interests, which the latter, indignant as Naboth at the proposal to purchase his vineyard, unhesitatingly refuses; notice to quit follows, and then an ejectment process; the tenant files his claim for compensation, putting down for disturbance the maximum rate and claiming compensation for every thing done on the lands as an improvement; whether a cow shed was erected, or an old house pulled down; fences built or ditches leveled; bog reclaimed or bog cut out; everything is an improvement, and not an ounce of bone dust has been put into the lands for the last seven years, nor has a

cow crossed the field during that period, which is not entered under the head of unexhausted manure. When the 'land' case comes on the landlord's witnesses, marshalled by an excited agent, are equal to the occasion; every improvement alleged by the tenant is proved to have been detrimental to the value of the holding, anything erected by the tenant is described as no better than a hovel; anything which he has pulled down as substantial and useful; the ditches leveled were most necessary for drainage; the fences erected render the lands useless for agriculture; thus the battle of evidence sways to and fro, until the County Court Judge, acting on his own knowledge of things in general, more than the evidence given in the case, makes a decision, liberal in intention, but which often leaves the tenant with less money in his pocket than if he had accepted the terms which he might originally have obtained."\*

The difficulty of getting reliable testimony is not confined to Irish courts, although they furnish remarkable examples of it. I was present at a judicial inquiry in Ireland when the difficulties in the way of getting at the truth in a very simple case, were illustrated. I have no doubt of the accuracy of Prof. Richey's picture in many cases.

There were many instances, however, where considerable sums were granted and greatly needed relief given. Judge Lawson in announcing his decision on an appeal summed up a case as follows: "The facts are undisputed. A great many years ago this man became the yearly tenant of this little mountain tract

\* "The Irish Land Laws," 94.



of bog, containing eighteen acres or thereabouts, at the small yearly rent of £7, 15s., but quite enough, considering what the condition of the farm then was. It appears that this man, with that industry which characterizes very often people in his position, set at once about cultivating and reclaiming that piece of land, spreading lime on it, and gradually reducing it to a better state than before. He so continued as tenant from year to year until 1869, and in that year the present appellant, Edmond Murphy, having purchased up the interest in the land over him, became the intermediate landlord of Mahony, and induced him to take a lease for ten years at the rent of £18 a year—a most enormous rent. Well, the man struggled as he paid his £18 a year for ten years, and at the end of that time the landlord, in the undoubted exercise of his right, put him out; but if the landlord had an undoubted right to put him out, it was equally his undoubted right to give the tenant whatever compensation would be fairly awarded to him under the Land Act. The tenant having been put out of possession, makes his claim under the fourth section of the act for building, reclamation, fences, and unexhausted manures, and the chairman allowed him a certain sum of money, which, with rent and costs deducted, made the total amount of the decree £66, 8s. 1d.—a sum, I am bound to say, quite inadequate to compensate this old man for having been turned out of his holding, on which he had lived and labored for so many years. I think the case of this man comes within the meaning of the Act, and that it was never contemplated he should be deprived of compensation for improvements made by him at any period. This landlord has re-

ceived for the last ten years a rent considerably more than the letting value of it. He chooses to put this man out and to take possession now into his own hands. He refused in the most obstinate manner to allow this old man to remain in possession himself, and the reason of that was because Mahony's land got into the middle of the farm, because the surrounding tenants were all evicted, and the work of eviction was completed by the landlord ejecting this man. The law allows him to do that, but he must pay for it, and the sum the chairman has given I will not reduce by one single penny. The chairman is a better judge of those manures and reclamations than I am; but I am bound to say that if the chairman had given a considerably larger sum than £75, I would be quite prepared to adopt it. I won't increase the award, but I affirm the decree of the court below, with all costs."

This was an extreme case, but it illustrates several phases of the recent troubles. The tenants complain that, as a rule, they were not adequately recompensed for the loss of their holdings and homes by the sums awarded, that the methods of procedure were troublesome and expensive, and that the courts were apt to be in sympathy with the landlords. There is a pretty deep distrust of the courts. Many of the tenants look upon the law and courts as instruments of injustice.

The total amount awarded as compensation for disturbance and for improvements, by the courts from the passing of the Act in 1870 to the end of 1880 was £144,304. Of course there were many cases compromised and others where the tenant was paid compensation for his improvements without a resort to the courts. The following table giving the amounts claimed by the

tenants and the sums granted by the courts for four years, shows that there must have been a great deal of disappointment.

<i>Year.</i>	<i>No. of Applica- tions.</i>	<i>No. of Decrees.</i>	<i>No. of Dismiss- als.</i>	<i>No. of Cases Settled or Aban- doned.</i>	<i>Amount Claimed.</i>	<i>Amount Decreed.</i>
					£	£
1877	579	166	133	280	255,255	15,401
1878	514	173	68	273	176,957	17,063
1879	409	120	64	225	118,331	12,654
1880	343	95	39	214	105,554	8,204
Total.	1850	554	304	992	656,097	53,322

While the law gave the tenant compensation to a limited degree, it did not prevent the landlord from raising the rent. The value of the tenant's interests of course depended mainly on the rent. The tenant might even be forced to leave his holding by high rent. In this case he was entitled to compensation for his improvements. But if the rent was very high the amount of compensation was small. The greatest cause of complaint was that the law did not stop evictions. "Nothing could compensate a man for being turned out of his home" is the way they put it. Eviction is to some of them very much like a sentence of death. I have already given statistics showing the number of evictions in each year since 1849. Practically, comparatively few were turned out except for non-payment of rent or breach of contract. As great numbers in some parts of the country were far in arrears and liable to be evicted for non-payment of rent,

the fear of eviction was still a cause of apprehension and discontent.

One of the objects of the Act of 1870 was the creation of a peasant proprietary in Ireland. There were many persons who thought that any plan by which the tenants could be enabled and encouraged to become the owners of their farms would produce contentment, order and prosperity in the country. There had been not a little discussion and advocacy of free trade in land. The Incumbered Estates Court, as we have seen, brought a considerable quantity of land into market, and increased somewhat the number of occupying owners. By the Church disestablishment Act the Church Temporalities Commissioners, to whom was entrusted the management of the church property, were directed to give occupying tenants, disposing of the lands of the church, the first right to purchase their holdings at a fair market price. They had power to aid tenants desiring to purchase, by leaving three-fourths of the purchase money on mortgage at four per cent., the principal and interest to be repaid in half-yearly payments, extending through thirty-two years. These church lands consisted of 108,000 acres occupied by 8,432 tenants. Of these tenants 6,057 purchased their holdings. The remaining 2,326 holdings have been sold to other purchasers than the occupying tenants.

With a view to affording increased opportunities for tenants to purchase their holdings by government aid, the second and third parts of the Act of 1880 were framed. They provide that a landlord (whether owner in fee, limited owner, as defined by the Act, or tenant for life) may come to an

agreement with a tenant for the sale of the fee simple of the tenant's holding, that the Landed Estates Court on application made on behalf of the landlord and tenant, may approve of the sale and give a Landed Estates Court conveyance to the tenant, and that the purchase money shall be given into the possession of the court and represent the estate that has been sold, and that all claims and incumbrances on the land shall be transferred to the money lodged with the court. The holding, free from incumbrances, then becomes the property of the tenant unless the landlord's estate is only a leasehold, when the lease only is transferred. It will be remembered that a Landed Estate Court conveyance is an instrument very binding and absolutely irreversible in its character. It had been made so in order to encourage purchasers to buy estates which otherwise would have been regarded with suspicion, because of the many unknown claims that might arise against them after the sale had been effected. The court assumed the risks, or rather the possible claims were transferred to the money which represented the estate, and the purchaser got an absolutely clear title. But there was danger that in the transfer of property in this way injury might be done to third parties. Too much land might be conveyed through a mistake in the surveys or titles. If so, there was no help for it. In case the landlord were a limited owner there was danger that injury might be done to the owner of the fee or to parties entitled to the remainder, or to others interested in the estates through settlements. Very careful investigations were necessary. Numerous titles had to be looked up, parties interested had to be found and consulted—a, by no

means, easy matter; the interests of different parties in the estate had to be inquired into, even the tenant's title to the tenancy was a subject of investigation. The rights of the owners and tenants of surrounding estates had to be regarded. Careful surveys and maps of the land to be sold must be made, and copies of the latter served upon the adjoining owners. These and sundry other matters made the sales troublesome and expensive.

The expense, which was often out of all proportion to the size of the holding, was practically borne by the tenant. Mr. Murrough O'Brien\* gives an instance of a blacksmith in Tyrone who purchased the site of his cabin and forge, built by himself, for £8, and paid £12. 10s. 10d. for getting it transferred. The items of the bill for the conveyance were as follows:

	£	s.	d.
" Three attendances . . . . .	1	0	0
Proportion cost of resurvey . . . . .	1	0	0
Preparing conveyance . . . . .	5	0	0
Approval fee . . . . .	1	1	0
Memorial and registration fee . . . . .	2	0	0
Map . . . . .	0	7	6
Printing . . . . .	0	19	6
Parchment . . . . .	0	4	0
Stamp duty . . . . .	0	1	0
Stamp duty on memorial . . . . .	0	5	0
Registry fees . . . . .	0	11	6
Postages . . . . .	0	1	4
<hr/>			
Total . . . . .	12	10	10"

Such extreme cases were of course very rare. However, the expense, often amounting to from ten

\* "Experiments in Peasant Proprietorship."—*Fortnightly Review*,  
Nov., 1869, page 389.

to thirty per cent. of the price of the farm, was a great obstacle in the way of the working of the clauses.

Almost all estates in Ireland are subject to tithe-rent-charges, quit-rents, or drainage charges, and these were not transferred by the Act to the money in court, but remained a charge on the land, and sometimes greatly to the inconvenience of purchasers of portions of the estate, any one of whom might be required by the owner of the rent-charge to pay the whole. The court was given power to apportion rent-charges, but as the value of such property is likely to be greatly diminished by distributing it (charging three pounds on each of one hundred small holdings, for example, instead of three hundred pounds on one estate, would greatly diminish the value of the whole), the courts were very slow to exercise their power.\* In only a few cases have they done so.

By a further provision of the Act, when an estate is sold in the Landed Estates Court, the Board of Public Works may, if satisfied with the security, advance any tenant who purchases his holding any sum, not exceeding two-thirds of the price of the holding, to be repaid by an annuity of five pounds per hundred for thirty-five years. In these cases there is not the difficulty of coming to an agreement with the landlord; the court, in its ordinary proceedings of sales, would divide land into suitable lots, and otherwise furnish reasonable facilities to the tenant, making the transaction less troublesome and expensive to the tenant than in the previously described manner of sale. The

\* *The Irish Land Law*,—Keeley, pages 52-53.

Board, however, are charged with being over exact about the security, and slow to afford aid and encouragement to tenants who are desirous of purchasing. Under the first provisions very few sales were effected. Both in its original form, and as amended in 1872, it proved a failure. The second provision found more favor, and quite a number of sales were made under it; but it, too, has been considered a failure. The principal cause assigned by the Special Commissioners of inquiry into the working of the Act, known as the Bessborough Commission, is "the general refusal of the authorities of the Landed Estates Court, acting in the interests of owners and incumbrancers, to arrange lots so as to suit the convenience of purchasing tenants. The fear of having unsaleable lots left on their hands had led owners and incumbrancers to oppose the divisions of their estates into the lots desired by the tenants."\*

The entire number of purchasers under these provisions up to the end of 1880 was 902. The advances made by the Board of Works to March 31st, 1881, amounted to £419,828. It is in some such way as that outlined in these clauses that many persons look for a final settlement of the Irish land question. I shall have something further to say on this subject in another chapter.

\* "Report of Bessborough Commission, page 33."



## CHAPTER XI.

CAUSES OF THE RECENT AGITATION—DISAPPOINTMENT WITH THE LAND ACT OF 1870—PARTIAL FAILURE OF CROPS IN 1878, 1879, AND 1880—UNUSUAL EXPENDITURE AND INDEBTEDNESS—INABILITY TO PAY RENT—DISTRESS AND WANT—THE FENIAN NEW DEPARTURE—MICHAEL DAVITT AND HIS PLAN FOR AGITATION IN CONNECTION WITH THE LAND QUESTION.

THE great agitation that has been going on in Ireland is sometimes put down solely to the influence of a few designing men. There is no doubt that the formal and thorough organization of the Land League was due to the ability of Messrs. Davitt, Dillon, Parnell, and a few others. In Ireland there is always enough discontent and hatred of the government, enough distress and desperation, to enable a violent agitation to get a considerable following on any platform directed against the government, or the landlords. For so profound and widely spread a movement as the recent one there must be a basis of real or fancied grievances of a very grave character. In order to perceive the grounds of this great movement, let us review a few of the features of Irish affairs as they appeared in 1879 and 1880.

In the first place there was the old grievance connected with the land system. The extravagant hopes excited by the Land Act of 1870, had to a great degree been disappointed. Evictions did not cease. Rents could be raised pretty much as before. The tenants felt that they had no adequate guarantee for their interests. The

sums granted to the evicted they thought no compensation for the loss of their homes and occupations. Extravagant as these tenants' claims may have been, we must look at them from the tenants' point of view, if we would understand the attitude of many of the Irish people.

Besides this general disappointment and discontent, there were other special causes for alarm.

The chief of these causes was the partial failure of the crops in 1877, 1878, and 1879. Where the great mass of the people depend upon a single crop of one kind for support, and large numbers are absolutely without money or other means of obtaining a livelihood, even the partial failure of a crop is a very serious matter. The potato crop in Ireland in 1877 was about half an average yield. The next year there was some improvement, but by no means a full crop. In 1879 there was only about a third of a potato crop, and a falling off of about twenty per cent. in the amount of wheat, oats, rye, and barley, while turnips and other green crops fell off nearly fifty per cent. There has been considerable dispute about the extent to which the crops failed in those years. The estimates published in Thom's Official Directory may in general be relied on. I insert a table on the following page, showing the estimated produce of the several crops in Ireland, in quarters or tons, in each year, from 1861 to 1880.

That there was so much of a failure as to cause great distress and wide-spread alarm is beyond question.

## Estimated Produce of Cereal Crops.

YEAR.	Wheat.	Oats.	Barley, Bere, and Rye.	Beans and Pease.	Total Cereal Crops.
	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.
1861	851,871	8,045,689	720,538	44,100	9,662,198
1862	683,048	7,283,400	694,578	44,312	8,705,338
1863	837,906	8,928,671	787,990	56,035	10,610,602
1864	875,782	7,826,332	799,749	59,872	9,551,735
1865	826,783	7,659,727	761,370	65,488	9,316,368
1866	805,710	7,284,835	685,717	64,015	8,840,277
1867	725,847	7,435,535	771,423	46,042	8,978,847
1868	945,818	7,628,857	916,511	42,943	9,533,129
1869	796,222	6,973,173	988,063	39,104	8,796,552
1870	754,261	7,559,303	1,072,340	47,192	9,433,096
1871	705,939	7,410,814	995,709	49,690	9,132,152
1872	609,831	6,654,456	896,311	54,627	8,215,225
1873	469,563	6,912,765	1,042,115	48,375	8,472,818
1874	687,625	7,159,034	1,158,513	51,721	9,056,893
1875	552,417	8,203,707	1,210,231	59,221	10,025,576
1876	481,815	7,648,774	1,109,981	48,131	9,240,570
1877	452,672	6,374,180	1,006,964	34,052	7,867,868
1878	549,916	6,814,697	1,127,082	39,482	8,531,187
1879	419,750	5,436,420	996,911	34,111	6,887,192
1880	519,801	6,845,464	1,050,187	47,312	8,462,764

## Estimated Produce of other Crops.

YEAR.	Potatoes.	Turnips.	Mangel, Cabbage, etc.	Total Green Crops.	Flax.	Meadow and Clover.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
1861	1,858,433	3,392,884	773,062	6,024,979	22,568	2,810,532
1862	2,148,402	3,792,682	679,143	6,620,227	24,258	2,781,529
1863	3,445,949	4,183,672	712,536	8,342,157	42,646	2,762,033
1864	4,312,388	3,467,659	620,220	8,400,267	64,506	2,607,153
1865	3,705,990	3,301,683	542,189	7,639,862	39,561	3,068,707
1866	3,068,594	3,786,462	632,685	7,487,741	40,991	2,878,622
1867	3,147,458	3,909,600	464,922	7,521,980	35,397	3,079,160
1868	4,062,207	3,514,406	565,287	8,141,900	24,987	2,871,039
1869	3,372,433	3,964,672	573,275	7,910,380	29,569	3,039,707
1870	4,218,445	3,941,402	664,281	8,824,128	30,771	3,387,444
1871	2,793,641	4,246,332	761,863	7,801,836	12,919	3,315,525
1872	1,805,827	3,963,305	819,716	6,588,848	17,089	3,495,996
1873	2,683,060	4,429,967	793,913	7,906,940	19,843	3,306,163
1874	3,551,605	4,407,692	900,506	8,859,803	18,037	3,461,288
1875	3,512,884	5,292,629	1,146,833	9,952,346	22,430	4,354,517
1876	4,154,785	4,540,818	1,039,023	9,734,626	27,141	3,458,239
1877	1,757,275	3,564,025	966,263	6,287,563	22,213	4,331,163
1878	2,526,504	4,686,226	1,090,200	8,302,930	22,175	4,417,344
1879	1,113,676	2,057,804	614,938	3,786,418	19,144	3,598,580
1880	2,985,859	4,330,688	1,080,733	8,406,280	25,532	3,795,003

The following table compiled from the reports of the Local Government board, will give a general idea of the relief furnished, as compared with previous years.

AVERAGE DAILY NUMBER RECEIVING RELIEF.

<i>Year.</i>	<i>In Work-house.</i>	<i>Out-door.</i>
1874-75	47,113	30,319
1875-76	44,800	30,246
1876-77	43,235	31,600
1877-78	44,676	33,517
1878-79	47,994	36,274
1879-80	51,946	39,629
1880-81	53,796	60,883

Besides the suffering and alarm caused by lack of food, considerable distress was caused by increased indebtedness. The Land Act of 1870, having recognized valuable interests as belonging to the tenants, the credit of these small farmers increased. Their property could be mortgaged. The shop-keepers would trust them, so would the money-lenders. There was a temptation to borrow and to spend. An era of comparative extravagance was the result. In most cases, perhaps, it was nothing more than the unwise indulgence of a very laudable desire to live decently, and to dress respectably. Real extravagance there no doubt was in some cases, and reckless expenditure in others. The impulsiveness of the Irish character often shows itself in this way where there is ready money in possession. The ability to get ready money by borrowing on their interests, was sometimes too great a temptation for those who were in need of many things. I have heard severe criticisms of this unusual expenditure. Much as it is to be regretted that the poor Irish peasant should mort-

gage his little property, and put himself in the power of the shop-keeper or money-lender, one who sees the need of greatly improved food, furniture and clothing for some of these Irish people, will not be surprised that they should go in debt. When the crops failed credit declined; there was a disposition on the part of creditors to ask for payment, and a slight tendency toward a panic ensued. Then there was the great ever present burden or rent to pay. In many cases these successive bad crops made it impossible for the tenants to pay. Even those who paid promptly in good times, and had their holdings at reasonable rents, often found themselves greatly embarrassed, and unable to pay the gales as they became due. The landlords were in some cases generous and reasonable, allowing time and frequently reducing their rents, in view of the misfortunes of their tenants. The tenants, however, who were before in debt, often became hopelessly involved. Those who had been falling behind-hand with their rents, fell hopelessly behind, and saw no future before them but one of extreme poverty, and perhaps starvation. Some of the landlords used their legal powers, to turn out tenants whom they had been anxious to get rid of, although most of them refrained from making evictions. There was, however, a general alarm among the tenants, seeing so that many of them were so entirely at the mercy of their landlords. The recollections of the terrible scenes of the famine of '47, and of the evictions and sufferings that followed, were recalled, all the old bitterness was revived, outrages increased in number, and there were loud demands for relief, and also for further changes in the land laws.

The condition of Irish political parties was favorable

to the organization of a new movement. There has always been a strong tendency to disintegration among Irish parties and factions. In the main, however, there have generally been two parties in Ireland opposed to the established order of things. One of these relies on constitutional methods to obtain reforms. They accept office, and use all the ordinary political influences and weapons they can obtain. The tenant leaguers were of this sort. The other party has been called the physical-force party, and is perhaps best represented by the Fenian brothers. This party were greatly opposed to accepting offices, urging that by so doing they would recognize the right of the English government to rule over their country, etc. They held aloof from politics in the ordinary sense, and devoted themselves to organizing the Irish republic and drilling the Irish militia. The tenant farmers did not join the Fenian movement in as large numbers as we should have expected from their having so old a cause of discontent. The organization flourished in the towns rather than in the country and recruited its ranks from mechanics rather than farmers. Its organ, the *Irish People*, declared however that in the glorious Irish republic "Landlord tyranny would vanish when the land became the possession of the people; it urged 'that every man has but one object, to rid the land of robbers and render every cultivator of the soil his own landlord; the proprietor in fee-simple of the house and land of his father; that the territorial magnates of the British Empire are the grand obstacles in the path of the Irish prosperity, and never till they and the accursed landlords are swept away and the land restored to its rightful proprietors, the Irish people, will there be an end of those horrors

which have astonished the nations. . . . "Ireland for the Irish and the land for the people. This is the grand idea now." Besides the organization of a republic with a congress elected by universal suffrage, one of the chief objects of the society was said to be, "To deprive all proprietors not siding with them of their estates, to confiscate church lands, and to establish new relations between landlord and tenant on the principles established in Prussia by Von Stein and Hardenburg, giving to each peasant who was a member of the brotherhood the power of purchasing his farm at a price to be determined by a commission. Out of the confiscations estimated to amount to eight-ninths of the surface of the whole island, was to be formed a national property, which was afterwards to be sold to the profit of the state, in order to manufacture a large class of peasant proprietors similar to that of France. Equality of rights of inheritance, was to be established in families, and all titles of nobility were to be suppressed." \*

It is somewhat singular that it did not appeal more strongly to the tenant farmers. The brotherhood languished after its defeat in 1868; its leaders were in prison or in exile; some of them had modified their views of the best method to pursue, and while there were many who retained the old bitterness and were anxious for a revolution at the first opportunity, but little activity was manifested. When, however, the growing discontent and distress arising from bad crops, and other causes furnished an occasion for agitation, the Fenians were quick to perceive their opportunity,

\* "*American-Irish Bagenal*," 132.

and to adapt themselves to the new situation. The policy of abstaining from moral force was abandoned and a new departure taken. The *Irish World* which had long advocated only the physical force remedy, and had actually engaged in collecting a "skirmishing fund" to destroy English ships and cities, became the organ of the new party in this country.

At the head of this "new departure" in Fenian methods were Michael Davitt, and John Devoy, both Fenian convicts, and men of recognized ability. An effort was made to bring over the elements of the Fenian party in Ireland to the new policy. Devoy urged its adoption in a series of letters to the *Freeman's Journal*. He thought the entrance into public life of a body of men with strong opinions and habits of organization, but who in the main held aloof from it, would be an event that would largely influence the future of Ireland, that the old policy of abstention was a mistaken and foolish one, that the objects aimed at by the advanced Nationalist party—"the recovery of Ireland's national independence, and the severance of all political connection with England—"would require the utmost efforts and the greatest sacrifices on the part of the whole Irish people," "that one section of the people alone could not achieve independence, that there must be united action on some common ground." In order that the more active men of his party might have the sort of training in political life that was necessary, he thought they should make an effort to get control of local bodies, such as boards of guardians and municipal corporations, turning out representatives of the English landlords. Then the Home Rulers, Repealers, and Nationalists might all unite in the contest



for self-government, without defining the meaning of the term, but leaving that to be settled afterwards. The great question on which they could all unite was the land. "No party or combination of parties in Ireland can ever hope to win the support of the majority of the people, except it honestly proposes a radical reform of the Land System. No matter what may be said in favor of individual landlords, the whole system was founded on robbery and fraud, and has been perpetuated by cruelty, injustice, extortion, and hatred of the people."

It was desirable that the land should be owned by those who till the soil. The landlords should have a last chance to sell. If they refused there should be a solution of the question in which they would have no part. "Let a beginning be made with the absentees, the English lords and the London companies who stole land in Ireland, and there will be enough work for some years to come. Let evictions be stopped at all hazards."

He went on to indicate other changes that he thought ought to be advocated. The ultimate purpose and aim of the whole movement should be entire separation from England. They must exercise prudence, patience, and sleepless vigilance. When England became involved in a war with some other European nation, and he thought such a war was not far off, then would be the time to strike. Meanwhile the land question and self-government, undefined, should be the basis of their united action.

It is generally supposed that Michael Davitt is the author of the new scheme. He is said to have had his first lesson in the land question when a child of seven.

"His father, mother, two sisters, and himself, had been flung out on the roadside by the landlord, and the humble roof that had been their home razed to the ground." The family seems to have had better fortune in England, where they went after their eviction. Davitt, who had early showed considerable literary ability, took up the Fenian cause very eagerly. In 1870 he was convicted of sending arms to Ireland for treasonable purposes, and sentenced to fifteen years penal servitude. In 1878 he was released on a ticket of leave, and immediately seems to have set about a new scheme for the independence of Ireland. His new plan was to combine all the elements of political force that he could lay his hands on against the English government. The land question furnished a rallying cry for agitation. Most of the old Fenian sympathizers fell in with his view, although he encountered some bitter opposition and denunciation from those who looked upon the sword as the only means of redress, and regarded constitutional agitation as a means of strengthening the tyrannical grasp of England. Devoy's letters called attention to the feasibility of the plan. The agitation made rapid progress, many of the people, in view of the impending distress, readily taking an active interest in the scheme.

## CHAPTER XII.

### THE HOME RULERS AND THE LAND LEAGUE.

THE IRISH HOME RULE LEAGUE—"AN IMPERIAL PARLIAMENT FOR IMPERIAL PURPOSES, AN IRISH PARLIAMENT FOR IRISH AFFAIRS"—SIXTY HOME RULERS RETURNED IN '74 ORGANIZE AN INDEPENDENT PARTY—MR. BUTT THE HOME RULE LEADER—GENERAL REFORMS FOR IRELAND PROPOSED—MR. PARNELL'S ENTRANCE INTO PUBLIC LIFE—THE BEGINNING OF OBSTRUCTION—THE CHARACTER OF MR. BIGGAR—DISSENSIONS AMONG THE HOME RULERS—MITCHELL HENRY ON HOME RULE—"THE PARTY OF EXASPERATION" INCREASES IN INFLUENCE—ITS ATTITUDE TOWARD THE FENIAN NEW DEPARTURE—VIOLENT SPEECHES.

Of the movements whose aim has been self-government in some form for Ireland, none has seemed to have fairer prospects of success than that organized by the Home Rule party in 1870. The principles of the party were by no means novel. Many Irishmen had earnestly advocated them before, and they had found some favor among liberal-minded Englishmen. In the meeting held in Dublin May 19, 1870, to organize the Home Government Association of Ireland, representatives of very different views took an active part. Conservatives and Liberals, "Unionists" and "Repealers" and Fenian sympathizers, Catholics and Protestants joined in council. The objects of the Association were declared to be, to obtain for Ireland an Irish Parliament to manage Irish affairs, the right of legislating for and regulating "all matters relating to the internal affairs of Ireland," and of controlling Irish resources and reve-

nue, at the same time contributing a just proportion to the imperial expenses, and leaving to the Imperial Parliament the power of dealing with imperial matters. In the autumn of 1873 the Association called a great national conference in Dublin to consider the question of Home Rule. The discussions of this conference occupied three days, and the principles and programme of the Home Government Association, with some slight modifications, were adopted. As this Assembly was supposed to be more representative in its character than that which organized the Home Government Association, it was resolved to form a new organization, The Irish Home Rule League, to take the place of the Association which was then dissolved. In the election which took place in February, 1874, a few months after the conference, sixty Home Rulers were returned, against twelve in the previous Parliament. Immediately after the election the Home Rule members met in Dublin and organized the party, an executive council of nine was elected, and secretaries and whips appointed and a resolution passed to maintain "a separate and distinct party in the House of Commons."

While the main purpose of the party was to achieve self-government for Ireland, as that was a work requiring time, it was thought best to undertake in the meantime certain reforms in regard to Irish local and municipal affairs. The bills introduced to assimilate the municipal privileges and franchises in Ireland to those in England, to amend the land laws, and to bring about other reforms which the party had undertaken were defeated, and discouragement was the result. Every year the Home Rule question was brought before the House and discussed, Mr. Butt

leading the debate with a great deal of ability and learning. Every year however the motion was voted down by overwhelming majorities. In fact the English members in many cases took so little interest in the matter that they did not condescend to discuss it, and not a little fault was found with Mr. Gladstone in some quarters for stopping to argue the question with Mr. Butt. The contemptuous way in which the subject was treated by many English members of Parliament and English papers increased the bitterness of some of the most earnest Home Rulers and led to a demand for more energetic action. The more active section of the party became dissatisfied with Mr. Butt's leadership, and many of the friends of the movement lost confidence in the wisdom of his policy and methods.

It was during this period that Mr. Parnell entered public life. He was young and inexperienced in political matters, but, "born of an ancient and honorable family," who for several generations had taken a prominent part in Irish affairs, he inherited a talent and taste for politics. A Protestant, educated at the English schools and at Cambridge University, and living among English people almost exclusively until he reached his majority, his "political leanings," as far as he exhibited any up to 1867, are said to have been "what would be called Conservative and Aristocratic." In 1871, after a few years of travel in this country and elsewhere, he took up his residence on his estate at Avondale, in Wicklow. As a landlord he seems to have looked carefully after the interests of his tenants, introducing various improvements and manufacturing enterprises that were of no little benefit to them. He was popular in the community and trusted as a man

of integrity and ability. His inherited tastes and talents, his English education and knowledge of English affairs and English feeling and the history of the part his family had borne in Irish affairs, tended to fit him for the leadership of the Irish party in Parliament. The high standing of his family was greatly in his favor among the Irish people, who have always had great regard for birth and ancestry.

At his first appearance in public life he gave no promise of the success which he has since achieved. Mr. A. M. Sullivan has described his attempt to address a meeting in Dublin. "To our dismay he broke down utterly. He faltered, he paused, went on, got confused, and, pale with intense but subdued nervous anxiety, caused every one to feel deep sympathy for him."\* Many of those who have heard of him only as a violent agitator, would be quite as much surprised as the writer was on observing his manner of debate in Parliament. Mild, hesitating as though at a loss for words to express accurately his thought, cold and unimpassioned, yet plausible and gentleman-like, one would expect his success to lie in his powers of persuasion rather than in violent agitation.

Mr. Parnell was elected member for Meath in the spring of 1875, and for nearly two years went on quietly enough. In the early part of the session of 1877 half a dozen Home Rule members made a vigorous opposition to the custom of bringing on important government motions often involving a large outlay of money in "the small hours of the morning," when any of the members were at home in bed. They used their rights as members of the House, objecting to

\* "New Ireland," seventh edition, page 409.

motions commonly allowed to pass unchallenged, moving to adjourn, that the speaker leave the chair, etc., etc., filibustering with an energy and a success that was at least creditable to their ability. Mr. Parnell led in this annoying business of obstruction. The English members and press were very severe in denouncing it and the men who engaged in it, while the Irish national press and popular assemblies exhorted Mr. Parnell to keep it up. Whatever the original purpose of the obstructionists may have been, all true friends of representative free government must deeply deplore the persistent use of these practices in modern legislative assemblies as tending to overthrow freedom of action and to destroy the representative system.

The policy brought a storm of abuse on its author. Scorn and severe language however did not move him from his purpose, but only made him more determined to persist. His most earnest supporter was Mr. Biggar, member for Cavan, an Ulster-man, the son of a wealthy banker of Belfast, a man who utterly despised the hostility and hatred of the House of Commons, "as absolutely impervious to its execrations or amenities, as a rock of adamant might be to the beating storm or the gentle zephyr." How not to be amiable "to the enemy," how to rasp "the tone of the House," how to say the rudest and most maddening things in the calmest and coolest manner possible, has been cultivated by him as a high art—the only art he cared for, and the only art he excelled in. It has been truly said of him, that if Mr. Parnell asked Joe to walk to the table, and pitch the mace out of the window, the modest Belfast Ulster-man would do it with a smile.\*

\*,"New Ireland," seventh edition, page 414.

Another man who greatly aided Mr. Parnell in the early days of obstruction, was Mr. O'Conner Power, one of the ablest and most eloquent of the Irish members. Mr. F. H. O'Donnell also belonged to the party.

The moderate Home Rule party, with Mr. Butt at its head, joined the English members in deprecating and censuring these modes of hindering the business of the country, and the result finally was a split in the party. The censure and abuse heaped upon Mr. Parnell and his followers in England, only called forth the more enthusiastic support from the discontented elements in Ireland, so that the obstructionists gradually grew in power, both in the House of Commons and at home. They justified their action by asserting the crying need of remedial legislation for Ireland, and the impossibility of getting Parliament to seriously consider and remove Irish grievances, without being absolutely driven to do so. They proposed to drive Parliament to act for Ireland and to so hinder and prevent the progress of business, that the House would finally be forced to grant their demands. The disputes and disagreements, sometimes descending to personal abuse in the ranks of the Home Rulers, continued throughout the year 1878, the obstructionists constantly gaining power in the House and favor at home, and Mr. Butt and the moderate wing losing in both places.

It was towards the close of this year that the Fenian element in this country began to talk of a new departure, and to consider a return to active political life. A lively discussion of the Home Rule question and Irish affairs generally was carried on through the columns of the *Freeman's Journal*. Mr. Devoy's letters already referred to were among the most important



contributions to that discussion. Mr. F. H. O'Donnell, one of the obstructionists, spoke of one of these letters "as literally full of broad and statesmanlike ideas," and gave his cordial support to the policy which it outlined. Other men of ability, and popular leaders also favored the scheme. But there was strong opposition. Among the ablest and most earnest of these opponents of the new Fenian scheme was Mr. Mitchell Henry, member for Galway. He was a very pronounced Home Ruler, and an earnest advocate of land and other reform measures, but he did not at all approve of the plan of breaking away from the Home Rule party under Mr. Butt, and carrying on a warfare in the fashion suggested by Mr. Devoy. He said, "We are invited to join those who openly desire to separate Ireland entirely from England, to destroy the monarchy, and to substitute either a republic or some other form of government in its place. We are to abandon the specific settlement arrived at in 1873, and henceforth each man is to disguise his real sentiments, and to content himself with the vague term, 'Self-government for Ireland,' without any explanation or limitation of what that self-government is to be. Such an immoral, criminal, and foolish proposal it is probable was never before addressed to sane men." He was in favor of the same sort of Home Rule as is enjoyed by each of the states of the American Union,—an Irish Parliament for local affairs, an Imperial Parliament for imperial matters. This plan which represents fairly the view of the moderate wing of the party, found no favor of course among the extreme nationalists.

In the mean time Mr. O'Shaughnessy, of the mode-

rate Home Rulers, was outlining a land policy quite different from that which the Fenian party were advocating. He was in favor of extending the Ulster custom to the whole of Ireland. He advocated fixity of tenure so long as the tenant paid his rent, the tenant's right to sell his interest to an unobjectionable purchaser, and some means of securing the tenant against an unfair increase of rent. It was in the main the three F's, fixity of tenure, free sales, and fair rent, that constituted this plank in the platform of the moderate Home Rulers.

The differences in the ranks of the Home Rule party increased daily. Efforts made to reconcile them were fruitless. At the regular meeting of the Home Rule League in Dublin, February 5th, 1879, Mr. Butt and his policy were severely criticised. More energetic action in Parliament was urged. In their speeches, Mr. Parnell and his followers advocated a more determined course that would compel the English government to give serious attention to Irish affairs. Some of their utterances were calculated to stir up the people to the use of violent measures. Mr. Biggar, for example, is said to have asserted, "that physical force was the one thing for which the English governing classes cared, that they were apprehensive that some fine day democracy might break loose and reduce their London warehouses and Lancashire factories to ashes, and to have urged the people to unite in some organization, and make as much display of physical force as possible. They might be few in number, but they should remember the great results that flowed from the handful of men at Manchester and Clerkenwell, and not despair of ultimate success." \*

\* "The Irish Agitator in Parliament and on the Platform." P. II, Bagenal, page 29.

At a meeting of the Central Tenants' Defense Association, Rev. Father Tormey said that the tenants of Ireland were on the very brink of bankruptcy, and that the time had come for them to say, "We will pay no more rent until they are reduced to such a standard as will enable us to live." Resolutions were adopted, asserting that great and constantly increasing distress prevailed, calling on landlords to make immediate reduction of rents, and declaring that no settlement of the land question that did not include fixity of tenure at fair rents could be satisfactory.

The first great demonstration was held at Irishtown, April 20, 1879. Mr. Davitt himself was not present at the meeting. Mr. Brennan, afterwards secretary of the Land League, and others made speeches. The farmers were advised to hold the harvest, and keep a firm grip on the land; they were first to make ample provisions for their families, and pay the rent out of the balance that was left. They were told that in this way they could compel the landlords to come to terms, and grant whatever reductions were desired. It was a taking policy with the tenants. The time was particularly favorable for its eager reception. Deeply in debt, in some instances actually suffering from want, the famine threatening, recollections and traditions of '47, brought vividly back, added to the old and ever present discontent with the land usages, and to the old animosities towards the landlords and the English, the awakening of a new life in the people through the national schools, newspapers, and American influences,—in view of all the circumstances it is not strange that the people should have accepted the new doctrines at once, and that the agitation should have spread rapidly.

It was in the West where the people were more pinched by poverty and more deeply in debt than elsewhere, that the new doctrines and the new organization first took root and flourished; more distress and more discontented and hopeless men were found there. Thus far the Home Rulers, even of the more energetic section of the party, had not, it would seem, joined hands with the scheme of the ex-Fenians, although some of them had shown a decided inclination to do so. Mr. Parnell is reported to have said that Davitt asked him to take the lead in the agitation, and that he took a month to consider before accepting the responsible post. Perhaps the course pursued by Parliament, and the apparently utter hopelessness of getting the relief measures that he thought just and needful for Ireland, may have given final shape to his course. There had been, in some of his speeches, covert suggestions or warnings of what might be needed, and "that he might ask the tenant-farmers what course to pursue." Just before he openly took the field, in accord with Davitt's movement, an interesting debate took place on Irish affairs in the House, which was about to adjourn for the Whitsuntide recess without giving attention to measures of relief that were considered by the Irish members to be of the utmost importance. Mr. O'Donnell called the attention of the Government to the deplorable condition of the landed interests in Ireland. Mr. Justin M'Carthy said he was "perfectly certain that the distress in Ireland had become so great as to render an attempt by Parliament to deal with the question imperative and unavoidable. They (the Irish members) heard from farmers, from priests and from peasants alike, that the crisis was imminent, urgent, and even

perilous." Mr. O'Conner Power said, "If Parliament did not come forward within a reasonable time with some measure calculated to relieve the depression of the present state of agriculture in Ireland, scenes would arise in Ireland that would be far more dangerous to the rights of property, and to the order and tranquillity which should prevail in that country, than any that Ireland had been afflicted with in her long struggle with the ignorance, if not incompetency, of the English Parliament. If these warnings were now unheeded, and Parliament should plead for further delay, the consequences must be fixed on their own shoulders."

Mr. Parnell said that unless the government proposed to do something in the way of a candid consideration of the matter, "the question was one which would have to be taken up by the Irish members in a firm and determined fashion; it was one that deeply affected their constituencies, and even if they were disposed to hang back a little on the subject, the constituencies would not allow them." \* Mr. Lowther, the chief secretary for Ireland, made light of the whole matter, and many of the Irish members left for the recess, thoroughly disheartened and exasperated, some of them, to join the vigorous agitation which Davitt and his friends were organizing. Mr. Parnell no longer hesitated; he threw all his energy into the movement; many of the other active Home Rulers followed his example; monster meetings were held and organizations formed. Earnest, sometimes violent, speeches were made, and resolutions full of determination, and of warning to the landlords, were passed.

\* "Hansard's Parliamentary Debates, 1879."

## CHAPTER XIII.

MR. PARNELL'S ADVICE TO RESIST EVICTION AND THE PAYMENT OF HIGH RENTS—DAVITT TELLS THE PEOPLE TO FEED THEMSELVES FIRST AND GIVE TO THE LANDLORDS AFTERWARDS—ORGANIZATION OF THE LAND LEAGUE—ITS PLATFORM—SPEECHES BY LEADING LAND LEAGUERS—SPECIMENS OF THEIR ORATORY—MR. PARNELL ADVISES A COMBINATION AGAINST THE LANDLORDS—MR. BIGGAR ON SUNDAY AFTERNOON MEETINGS—MR. DAVITT'S VIOLENT DENUNCIATIONS OF THE LANDLORDS AND GOVERNMENT—MONSTER LAND MEETINGS—PARNELL AND DILLON'S VISIT TO AMERICA—RELIEF OF THE DISTRESSED IN IRELAND.

IT was at Westport, June 8th, where a great meeting was held, with banners bearing the mottoes, "The Land for the People," "Down with the Land Robbers," etc., that Mr. Parnell first advised the tenants to "keep a firm grip on the land." "If the landlords could be purchased out as in Prussia, it would be a final settlement of the question; but, in the meanwhile, it is necessary to insure that as long as the tenant pays a fair rent, he shall be left to enjoy the fruits of his industry. A fair rent is a rent the tenant can reasonably pay according to the times, but in bad times a tenant can not be expected to pay as much as he did in good times three or four years ago. Now what must we do in order to induce the landlords to see the position? You must show the landlords that you intend to keep a firm grip of your homesteads and lands. You must

not allow yourselves to be dispossessed." \* In a meeting held in Milltown, County Galway, shortly afterwards, Mr. Davitt expressed similar sentiments. "He would advise the tenant farmers to feed themselves and their children, to live comfortably and decently, to keep their cabins neat, and send their children to school, and if there was sufficient left, to pay the landlords the rents they demand. Let the landlords turn them out of their homes if they would at the point of the bayonet, and a spirit would spring up in Ireland that would be the destruction of landlords forever. They dared them. He urged them to organize. What had organization done for Ireland? and they said the organization to which he had the honor to belong—the Fenian organization—they said that that organization disestablished the Irish church."

The more violent utterances seem to have regularly been the more vigorously applauded. The first Land League was organized at Castlebar, August 16th, 1879. The previous meetings had not yet developed into a permanent organization. In the declaration of principles adopted it is asserted that "the land of Ireland belongs to the people of Ireland, to be held and cultivated for the existence of those whom God decreed to be the inhabitants thereof," and that "the landlord system which an alien government has imposed upon our country" is responsible for the poverty and wretchedness of the country. The desirability of making the tillers of the soil the owners is urged. While the landlord system is vigorously de-

\* "The Irish Agitator in Parliament and on the Platform," by P. H. Baginul. Page 52. I am indebted to the same source for a number of these extracts.

nounced, all intention of confiscating the landlord's interests is denied, and the plan of buying these interests suggested. The farmers are urged to organize at once, in order to put forth their full strength in behalf of themselves and their country," in efforts to obtain what has brought security and comparative plenty to the farming classes of continental countries. Pending the final settlement of the question, the League proposes to expose injustice, wrong or injury that may be inflicted either by rack-renting eviction or the arbitrary exercise of the landlord's power, and to give the widest possible publicity and the strongest possible opposition to these acts. The plan adopted includes the printing and circulating of information in regard to the landlords, the size of their estates, and the means by which they were obtained, the condition of tenants and the excess of rents above Griffith's valuation, the publication of notices of intended evictions for non-payment of exorbitant rents or other unjust cause; the holding of meetings on the day and as near the scene of evictions as possible; the publication of evictions carried out, and of cases of rack-renting, including the names of persons who shall occupy the land from which others have been evicted, or who shall offer a higher rent for land than that paid by the previous occupier, "and the publication of reductions of rents and acts of justice and kindness performed by landlords." The defense of members of the League, and of those who may be unjustly evicted, or wronged in other ways by the landlords, and the general functions of a vigilance committee are also undertaken.

The earnestness and determination of the meeting showed that the people were profoundly interested in



defending their rights, as they regarded them, and that a great movement had been fairly set on foot. As the summer of 1879 wore on, the speeches of some of the more prominent Leaguers became more inflammatory. Mr. Parnell said in a speech at Limerick in August, that, "It was the duty of the Irish tenant farmers to combine, and ask for a reduction of rent, and if they got no reduction where a reduction was necessary, then, he said, that it was the duty of the tenant to pay no rent, until he got it, and if they combined in that way, if they stood together, and if, being refused a reasonable and just reduction, they kept a firm grip of their homesteads, no power on earth could prevail against the hundreds and thousands of tenant farmers of this country."

On the 12th of October he addressed a great meeting of his constituents in County Meath. "The only course," he said, "for the tenant farmers of Ireland is this—now that they are in possession of their farms, to see that they remain in possession of them. Go to your landlord, and if he disagrees with your estimate of what a fair rent should be, ask him to appoint one man, and say that you will appoint another, and they will settle it between them. If he refuses this arrangement, offer him what you consider you can fairly be called on to pay in these times, and ask him for a clear receipt. If he refuses to give you a clear receipt, put the money in your pockets, and hold it until he comes to his senses. If the tenants on each property join together and do this, the cause of the tenant farmer in Ireland is won. No landlord can prevail against you."

Mr. Biggar also took a prominent part in the discussions. At Mayborough, in October, he advised the

people to "abstain from outrages, for outrages were not necessary." "Let each parish form a Tenant Right League, and meet outside the chapel every Sunday after mass, and let every man tell his neighbors his story, and let them elect a leader in each parish, and when a hardship was told, call a meeting and denounce the landlord; publish the case, and send it up to the Freeman in Dublin, and they will publish it, and they would frighten the landlords in that way. If they did not succeed, have a monster meeting; ask Mr. Parnell to come over to denounce the landlord, and he will. The fight will begin after the November days. What will the landlords do when they refused them the rents of November? Let those who have the money pay the rent, and those that have too high rents ask the landlord to reduce them by 50 or 60 per cent., and if he refused, pay no rent. He will then serve the tenant with notice, and they must have the meetings every Sunday, and if the last resource was adopted, they must put a ban on his land. If any man takes up that land, let no man speak to him, or have any business transactions with him."

Mr. Davitt's utterances were much more radical. In a speech at Gurteen, November 2nd he is reported to have said, "Look to the wants and necessities of the coming winter; and when you have satisfied those wants and necessities, if you have a charitable disposition to meet the wants of the landlord, give him what you can spare, and give him no more. I am one of those peculiarly constituted Irishmen who believe that rent for land under any circumstances, in prosperous times or bad times, is nothing more or less than an unjust and immoral tax upon the industry of a people;

and I further believe that landlordism, as an institution, is an open conspiracy against the well-being, prosperity, and happiness of a people, and I say that anything that is immoral—whether it be a rent or an open conspiracy of landlordism—has to be crushed by the people who suffer in consequence of it. The farmers must labor from morning till eve to support themselves and their children, when in steps Mr. Lazy Unproductive Landlord and demands almost half of the money so earned, to sustain himself in the licentious and voluptuous life he often leads, not in Ireland, but away in London, Paris, and elsewhere. Not only does this system rob you of half your earnings, but it robs Ireland; it impoverishes Ireland and gives away to another country to enrich another people who never raised it. And are you going to tolerate any tinkering of this system? Are we here to listen to any proposal of fixity of tenure at fair rents, with periodical valuations? I say no. That it is fixity of landlordism, fixity of poverty and squalor, and fixity of degradation that have made Ireland a reproach before civilization, a nation of beggars. I say that at last in face of another impending famine, too plainly visible, the time has come when the manhood of Ireland will spring to its feet and say, "it will tolerate this system no longer."

On a former occasion he said: "On the Rent Question as on that of the land your greatest dependence must be in yourselves. Never mind the companies of Zulu-whipped soldiers that are now being sent over here in answer to your cry for the means of sustenance. Don't imagine you will be thrown out to die like dogs as your kindred were in '48. Stand firmly and self-reliantly against the brood of cormorant vampires that

have sucked the life blood out of the country, that have banished our brothers and sisters, and that have made our country a nation of paupers, and, ere long, we will have no legalized plundering system in Ireland to sustain the most profligate horde of unmitigated land thieves that ever cursed a people and robbed them of the profits of their industry. They may threaten you with eviction, if you refuse to pay rack rent imposed upon your holdings, but don't forget that an English Cabinet Minister once declared that eviction under certain aggravated circumstances was a felony. You know it is a maxim of English law that a felony can be resisted to the death. It is well to take advice and examples from England, as the English are a practical people, and I believe there is a favorite one of theirs to be put in practice this winter here in Ireland, if the government does not find employment for the starving people."

These extracts from the speeches made at great meetings of excited, and sometimes distressed, tenants show something of the character of the agitations that was now going on. The meetings were usually held on Sunday. The people often came from the country in great processions, as they often do in the great political meetings in this country. Sometimes clubs were dressed in green uniforms and carried imitation pikes, swords, or guns. The banners sometimes had on them significant watch-words, such as "Down with the Land Robbers," "No more Land Thieves," "The Land for the People."

The actual formation of the National Land League took place in Dublin, October 21st. Mr. Parnell was chosen President, and Messrs. Brennan, Davitt and

Kettle Secretaries. Reductions of rent and ultimately the land for the people were the avowed objects of the organization. It was at this meeting that Mr. Parnell's address to the Irish race was adopted. It is one of the most important documents connected with the movement, and is given in full in the appendix. As the season advanced it became more and more evident that the failure of the crops would greatly increase the distress, and that unless relief were brought from some quarter a famine would be the result. Mr. Parnell saw that for a time the Land League must be turned into a relief organization. The Irish in this country had always been noted for their liberality toward their countrymen at home, and were naturally looked to for aid in this crisis.

On the 14th of December Messrs. Parnell and Dillon sailed for New York, and shortly after their arrival were joined by Mr. Healy, Mr. Parnell's private secretary, who has since become rather famous for his career in Parliament. The reception tendered Mr. Parnell was something like an ovation. Many who cared little for or even disliked his political purposes and methods responded liberally to the call for relief for the distress and threatened famine. While large sums were given for the relief fund, the permanent organization of the Land League here furnished a source from whence large supplies of money have since been regularly drawn to sustain the agitation, and a new force was thus introduced into English politics and Irish affairs. There is little doubt but that for this the agitation would have subsided to a great degree after the good crops of '80 and '81, although the disorders would not have entirely ceased, owing to the effects of the failures of the crops.

Mr. Parnell returned in March, having realized by his tour nearly a quarter of a million of dollars, the greater part of which was given for the relief of the destitute.

In this connection it is only fair to recall the fact that large sums were contributed for the relief of the distress in Ireland by Americans in other ways also. Among the relief enterprises, the *Herald* fund raised through the efforts of Mr. James Gordon Bennett deserves an honorable mention.

## CHAPTER XIV.

### IRELAND IN 1880.

DISTRESS—RELIEF—DISSOLUTION OF PARLIAMENT—THE CAMPAIGN OF 1880—MR. GLADSTONE'S MIDLOTHIAN SPEECHES—HE DISCUSSES IRISH AFFAIRS—HIS VIEWS ON HOME RULE—LORD BEACONSFIELD ON IRISH AGITATION—PARNELL WOULD HAVE PREFERRED THE SUCCESS OF THE CONSERVATIVES—THE LIBERAL VICTORY—DEFEAT OF THE "DISTURBANCE" BILL IN THE HOUSE OF LORDS—THE VIOLENCE OF THE AGITATION INCREASES—VIOLENT SPEECHES—PARNELL AND OTHER LEADING LAND LEAGUERS PROSECUTED FOR SEDITIOUS CONSPIRACY.

GREAT suffering prevailed in some parts—particularly the Western—of Ireland during the first half of the year 1880. Mr. A. M. Sullivan has feelingly described the distress existing in some parts of the country. "Meantime throughout all the Western districts of Ireland, scenes harrowing and heart-rending beyond description were to be witnessed. The cry of anguish and despair rose on every breeze. It was like a ghastly recurrence of 'Forty-seven.' In the schools—as some of the teachers, with moistened eyes, told the story to me—the terrible state of affairs at home could be read in the pinched and haggard countenances of the children. Inquiry revealed the fact in thousands and thousands of cases, that they came to school every morning without a morsel of food since the previous day, and could at best only hope for their share once a day of whatever the father might beg or borrow from others

nearly as poor as themselves. Next, the teachers observed the clothing, on the little girls especially, getting lankier and thinner, and the under garments, few at best, went shred by shred to the village pawnshops. Day by day, teacher and monitor could mark the gradual effects of gnawing hunger on the little faces, until one by one they were missed altogether from the little school—and added to the cemetery.” \*

Much was done in the way of relief, and as is usually the case there was not a little complaint made against the methods by which the relief was given. The Land League has been repeatedly charged with giving only to those who could pay half price—thus sometimes refusing the very worst cases—and with refusing to give to those who had paid their rent.† However, much suffering was averted by its efforts and also by those of the Mansion House Relief Committee,‡ and the Duchess of Marlborough.

There was also distress among the landlords whose incomes were greatly reduced by the non-payment of rents. Some of them were forbearing toward their tenants, others insisted upon their rents or the possession of their holdings. The result was a large number of evictions. On this point, too, Mr. Sullivan has an eloquent paragraph. “Throughout the West of Ireland the anomalous sight was daily seen of village relief committees feeding the people, while the village con-

\* “New Ireland.” Seventh edition. Page 443.

† See “Recollections of a Journalist,” by Richard Pigott. Page 391.

‡ The Mansion House Relief Committee expended about \$800,000, and the Duchess of Marlborough’s Committee about \$675,000. The entire amount of the *Herald* Relief Fund was \$341,000, Mr. Bennett himself contributing \$100,000. There was a committee appointed to distribute this fund.



stabulary were convoying bailiffs and process-servers over roads and mountain tracks often wetted with people's blood. The "process" was a veritable terror—the message of approaching destruction, and now the issue of those missives against the beggared and starving people grew to enormous proportions.\* As Mr. Gladstone once well expressed it, they fell like "snow-flakes" on the districts least able to pay; processes for rent that the landlords well knew the land had not earned. At a place called Carraroe, in Connemara, on the 5th of January, 1880, bailiffs made their appearance escorted by a detachment of armed police. The wretched peasants took alarm, and, assembling in haste, confronted the invading force. The women, most of the male inhabitants happened to be away harvesting in England at the time, exhibited a fierce daring; absolutely without precedent till then in these agrarian affrays. They flung themselves before the bayonets and barred the way to the threatened homesteads. A bloody conflict ensued, the police freely using their arms, and the women displaying utter recklessness of life. In the result the people were victorious. The invaders had to retreat, leaving the processes unserved. This was the Lexington of the agrarian revolution in Ireland. From that day forth the whole procedure of eviction, step by step, inch by inch, was contested, obstructed, resisted. The women of Carraroe struck the first blow in the war against Rent."

In March, 1880, Lord Beaconsfield dissolved Parliament, and in the new election which followed, the Irish question was an important issue. Lord Beaconsfield

\* The number of evictions in 1880 has already been given in a previous chapter.

charged Mr. Gladstone with giving dangerous encouragement to the Home Rule policy, and the seditious agitation prevailing in Ireland. Mr. Gladstone had earnestly espoused the Irish cause. He had already been the author of two great measures of remedial legislation, the Church Dis-establishment Act, and the Land Act of 1870. In a speech at Dalkeith in November, 1879, in view of the expected dissolution of Parliament, he had discussed Irish affairs. In regard to the Dis-establishment Act, he made the following allusion, which the Conservatives have ever since been quoting against him as encouraging the violent methods of the Irish agitators.

“What happened in the case of the Irish Church? That down to the year 1865, and the dissolution of that year, the whole question of the Irish Church was dead; nobody cared for it; nobody paid attention to it in England. Circumstances occurred which drew the attention of the people to the Irish Church. I said myself in 1865, and I believed, that it was out of the range of practical politics; that is to say, the politics of the coming election. When it came to this—that a great jail in the heart of the metropolis was broken open under circumstances which drew the attention of the English people to the state of Ireland, and when in Manchester policemen were murdered in the execution of their duty, at once the whole country became alive to Irish questions, and the question of the Irish Church revived. It came within the range of practical politics. I myself took it up, and proposed Resolutions to the House of Commons, declaring the view of the House that the Irish Church ought no longer to exist as an Establishment. But those Resolutions, though passed,

did not bring about the destruction of the Irish Church, nor did any one expect that they would. They raised the question in the face of the country; the Parliament was dissolved upon the question; the country, from one end of it to the other, considered it fully, made up its mind, and returned a Parliament with a vast majority empowered to speak and act for them on the matter.”\*

And in regard to Home Rule in the same speech he said: “Let me say that in my opinion these two great subjects of local government and the land laws ought now to occupy a foremost place in the thoughts of every man who aspires to be a legislator. In the matter of local government, there may lie a solution of some national and even Imperial difficulties. It will not be in my power to enter largely while I am in the country upon the important question of the condition of Ireland; but you know well how unhappily the action of Parliament has been impeded and disorganized, from considerations no doubt conscientiously entertained by a part of the Irish representatives, and from their desire to establish what they term Home Rule. If you ask me what I think of Home Rule, I must tell you that I will only answer you when you tell me how Home Rule is related to local government. I am friendly to large local privileges and powers. I desire, I may almost say I intensely desire, to see Parliament relieved of some portion of its duties. I see the efficiency of Parliament interfered with not only by obstruction from Irish members, but even more gravely by the enormous weight that is placed

\* “Political Speeches in Scotland, November and December, 1879.”  
Page 36.

upon the time and the minds of those whom you send to represent you. We have got an overweighted Parliament: and if Ireland, or any other portion of the country is desirous and able so to arrange its affairs that by taking the local part or some local part of its transactions off the hands of Parliament, it can liberate and strengthen Parliament for Imperial concerns, I say I will not only accord a reluctant assent, but I will give a zealous support to any such scheme. One limit, gentlemen, one limit only, I know to the extension of local government. It is this; nothing can be done, in my opinion, by any wise statemen or right-minded Briton to weaken or compromise the authority of the Imperial Parliament, because the Imperial Parliament must be supreme in these three Kingdoms. And nothing that creates a doubt upon that supremacy can be tolerated by any intelligent and patriotic man. But subject to that limitation, if we can make arrangements under which Ireland, Scotland, Wales, portions of England, can deal with questions of local and special interest to themselves more efficiently than Parliament now can, that, I say, will be the attainment of a great national good.”\*

Lord Beaconsfield's letter to the Duke of Marlborough, Lord Lieutenant of Ireland, shows his view of the situation. He declared that “the acts of the Agitators which represented that England, instead of being the generous and sympathizing friend, was indifferent to the dangers and sufferings of Ireland, have been defeated by the liberal and prudent measures of Parliament. Nevertheless a danger in its ultimate

\* Ibid.—Page 40.

results scarcely less disastrous than pestilence and famine, and which now engages your Excellency's anxious attention, distracts that country. A portion of its population is attempting to sever the Constitutional tie which unites it to Great Britain in that bond which has favored the power and prosperity of both."

The campaign of 1880 was a short and vigorous one. The Irish constituencies generally returned Liberals. The Home Rulers urged Irishmen everywhere to support Mr. Gladstone. On Mr. Parnell's return, the fight in Ireland was directed quite as much against the moderate Home Rulers as the Tories. It is said that Mr. Parnell would have preferred keeping the Conservatives in power in the belief that Lord Beaconsfield's European policy would involve England in a war, that would enable the Irish to obtain concessions for Ireland far beyond anything Mr. Gladstone would ever conceive.\* The result of the election was a very decided Liberal victory. The Home Rulers gained some ten votes and entered Parliament sixty-five strong. The new cabinet contained some men whose sympathies with the Home Rule policy had been pretty distinctly avowed.

The only Irish measure of special interest that was introduced at the session of 1880 was the "Disturbance Bill," which made eviction for non-payment of rent in certain distressed districts, where tenants could show their inability to pay, a disturbance within the meaning of the Act of 1870. The House of Lords by a large majority rejected the bill. This added fuel to the flames. The heat of the agitation

\* "New Ireland." Seventh Edition, page 447.

increased. The House of Lords, "a house of landlords," was the object of a furious attack. Good and bad landlords in many cases were treated alike. The landlords had refused, it was said, to agree to a simple measure of temporary relief, to those whom the failure of crops had rendered destitute, and insisted upon the right to turn them out homeless and starving to die in the work-house or by the way-side. Mr. Parnell and his followers denounced the landlords and urged the passive resistance to the payment of rent and to eviction, in the hope, it was said, that the government measures of the following year might bring the greatly needed relief.

After what I have already quoted from the speeches of some of these men, in connection with the early history of the Land League movements, it will not be surprising in view of all the circumstances, and of the condition and character of the people that the increase in the number of crimes of violence was attributed to the violent utterances of these leaders of the League. How far these men are responsible for the outrages of the past two years is still a matter of dispute. That the speeches of some of them were of a very inflammatory character, and in the circumstances likely to excite desperate men with starvation staring them and their families in the face to terrible crimes, is I think certain. At the same time it must not be forgotten, that some of these men repeatedly denounced crime and urged the people to abstain from violence. It is also manifestly unfair to hold all these men responsible for the violent speeches of a few. There certainly was, however, a good deal of violent and communistic talk, and the excitement produced by

the meetings was very great. There were often cries of "shoot the landlords," "down with the land thieves," &c., interjected by some of the audience into the speeches of the orators. Some of the leaders of the League have claimed that its organization on the whole greatly restrained the people from violence. It certainly did not seem to have this effect.

The priests often took part in the meetings, and to a considerable degree sympathized with the movement, although they did not lead it. In most cases they used their influence against violence and crime. There were, however, some who used very strong language. Mr. Richard Pigott, in treating of the agitation, to which he was greatly opposed, gives the following very remarkable utterance, almost passing belief, as "a fair reflection of the spirit that took possession of the farming classes as a result of the ruthless agitation": "You must," said a minister of God's mercy,—a Catholic priest,—at a Land League meeting, "shun the wretch who dares to take the land from which another is evicted as you would a leper. Hold no communion with him whatever. If his wife and children lie sick unto death you must bring him no relief; nay, if the house over their heads were burning as they lay in slumber, all unconscious of their danger, you must not give them warning, so that they may save their lives."\*

The government concluded to bring prosecutions for seditious conspiracy against a number of the leaders of the League. Messrs. Parnell, Dillon, T. D. Sullivan, Sexton and Biggar, all M. P's, and members of the Land League Executive, Patrick Egan, Trea-

\* "Recollections of a Journalist."—Page 405.

surer, Thomas Brennan, Secretary, and eight other prominent members of the Land League, were arraigned before the Lord Justices, Fitzgerald and Barry, on the 28th of December, 1880. The trial lasted nineteen days and the jury failed to agree. The trials added to the disorders in Ireland. The men who had been put upon trial became greater heroes than ever, and crime increased.



## CHAPTER XV.

OUTRAGES IN THE LATTER PART OF 1880 AND THE BEGINNING OF 1881  
—THE LAND LEAGUE LAW SUPREME IN IRELAND—METHODS OF THE  
"MOON-LIGHTERS"—A REIGN OF TERROR—VIEW OF THE OUT-  
RAGES FROM AN IRISHMAN'S STANDPOINT—THE PROPERTY DE-  
FENSE ASSOCIATION—A NOVEL PROCESSION—THE EMERGENCY MEN—  
CAPTAIN BOYCOTT'S EXPERIENCE—THE COERCION ACT OF 1881.

WHEN Parliament met January 6, 1881, the demand for strong measures to put down lawless violence and murder in Ireland, was very great. One can not read the accounts of the outrages committed without agreeing that radical measures of some sort were necessary. In 1880 the total number of agrarian outrages, exclusive of the threatening letters which were quite numerous, had been 1253; and of this number 719 or nearly two-thirds had occurred during October, November, and December. The region of the outrages, as of the violent agitation, had been at first in Mayo and Galway. It had, however, gradually spread, until it included the greater part of the West of Ireland. Some of the outrages which included a great many petty offenses were against the persons or property of landlords or agents. More frequently bailiffs and process servers were objects of attack. Large numbers of police and soldiers sometimes attended process servers, and the country for miles around would be in a state of great excitement when a process was to be served. Collisions between the police and the people occurred,

but were much less frequent than would naturally have been expected. The greater number by far of the outrages were against tenants who disobeyed the rules of the Land League. It was said by one of the Irish members in the House of Commons, that the Land League reigned supreme in Ireland. The chief rules that it sought to enforce were not to pay rents which it regarded as excessive, and not to take farms from which tenants had been evicted. Sometimes the hay or stable of the disobedient tenant was burned; sometimes his house was fired. Women and children barely escaped with their lives from their burning houses. Cattle were often tortured and maimed in a most cruel and brutal manner. Then the tenant himself was frequently taken in hand. He received night visits from the administrators of the Land League Law. The penalties they inflicted varied much in their character. Sometimes they merely threatened him, fired shots over his head, and exacted a promise that he would obey their commands. Sometimes he was dragged out of bed, and "carded" or beaten. Sometimes great terror was created by firing shots into his house. The number of murders was small in comparison with the whole number of outrages. Obedience could be secured in most cases without resorting to it. Cases of this sort were reported. The house of a man who had taken a farm from which a tenant had been evicted was entered by an armed party numbering about fifteen. He was dragged to the door and knocked down, severely kicked, and beaten with a spade, and burned in the back with a sharp instrument, so that wounds two or three inches long were made.

In other cases similar outrages were inflicted on

those who paid rents above Griffith's valuation, and on those who refused to join the Land League. Courts too were set up in connection with local branches of the League. Summonses were issued either verbally or in writing, complaints were heard, tenants were directed to surrender farms from which others had been evicted, and to conform to the rulings of the League in other matters, and penalties were inflicted for disobedience. The proceedings of these courts were often reported in the local papers. Some of these accounts are not without interest. A man applied for membership to the Moyshal and Drumfox branch of the League, but was refused because he had disobeyed the laws of the organization. He was told that, if he would do a week's penance in his bare feet, and appear barefooted at the next meeting on the following Sunday, the council would consider his case. Land League constables were appointed to look after the enforcement of the rules of the organization. Some of those on whom the outrages were inflicted were members of the League who had disobeyed its laws. Cases are reported where the victims said they could have cleared themselves by appearing for trial before the League, and proving the charges false.

It would be unfair to charge the National Land League organization with directly committing these crimes, although it did encourage passive resistance to the payment of rents held to be excessive, oppose vigorously the taking of farms of evicted tenants, and favor boycotting offenders against its rules. The old Ribbon societies grew in importance, the scattered elements of Fenianism were reorganized in some districts, and the discontented, distressed, des-

perate and lawless elements combined, and thus produced a reign of terror. If the Land League found a man guilty of taking an evicted tenant's farm, and he disobeyed the order to give it up, or a tenant paid a higher rent than the League allowed, there were always plenty of these lawless characters ready to go to any lengths in inflicting a punishment on the offender. While the better portion of the League would have been satisfied with holding the man up to public contempt, and refusing to have any dealings with him, the more violent party believed in a more vigorous enforcement of the law. It is probable, too, that some of the local branches of the League were directly responsible for some of the crimes committed in the districts. The executioners were well organized, and did not often mistake their man. Sometimes, however, they punished on "reasonable suspicion."

The effect of one of these outrages was felt throughout a whole county. The dreadful uncertainty of the penalty that might be inflicted, and the certainty that something terrible would be done, made the people fear the power of the League, as they had never feared the law of the land. Laborers did not dare to work for or shopkeepers to sell to those who had been outlawed. I traveled through the Western part of Ireland later in the year, when the country was somewhat quieter, and found in many places the Land League law still supreme. In some parts of Kerry outrages occurred almost every night. A man at Castle-island had had his ears cut off a short time before for paying his rent. I asked a tenant who lived several miles away whether he had paid his rent? He answered, "No, I'd be afraid. I'd have my ears cut off before next morning if I paid."

Victims who knew their assailants, were often unwilling to give any information through fear of greater violence. Witnesses were afraid to testify or declined to do so out of sympathy with the guilty parties. Juries refused to convict for the same reasons. Few arrests were made, and convictions even for minor offences were quite rare. And yet other crimes than those connected with the land question were exceedingly few. All the desperate characters devoted their energies to the war against landlordism. The more peaceably-disposed farmers in many cases joined or sympathized with the movement. While many disapproved of the methods, there were large numbers who encouraged violence as a means necessary for obtaining ends that seemed to them eminently desirable. They felt that they were engaged in a great struggle. They could not hope to defeat the landlord system, upheld by all the power of the English government, either by lawful methods, or by open war. None the less in many cases, they felt that they were fighting for their homes and their families, and many of them did not perceive or care for the difference between open, organized warfare and secret terror and assassination. Mr. Bright once described the state of things in Ireland as follows: "When law refuses its duty, when government denies the right of the people, when competition is so fierce for the little land which the monopolists grant for cultivation in Ireland—when in fact millions are scrambling for the potato—these people are driven back from law and from the usages of civilization to what is termed the law of Nature, and if not of the strongest, the laws of the vindictive; and in this case the people of Ireland believe, to my certain knowledge,

that it is only by these acts of vengeance periodically committed, that they can hold in suspense the arm of the proprietor, of the landlord and the agent, who, in too many cases, would if he dared exterminate them. Don't let us disguise it from ourselves, there is war between landlord and tenant—a war as fierce and ruthless as though it were carried on by force of arms.”

In order to meet the power of the Land League the Property Defense Association was organized. Its purpose was to enforce the rights of the landlords. It provided bailiffs to serve writs where the ordinary officers feared to venture; it sent agents to attend sheriff's sales of tenants' interests for rent; bought tenants' interests and cattle taken for rent; provided laborers to work on boycotted farms, and, in general, did the very things that the Land League did not want done. Very interesting conflicts occurred where the agents of these two organizations met. The first case in which these Property Defense agents bought a tenant's cattle that had been put up for sale at the instance of the landlord occurred near Dungarvan. The cattle were seized and the sale ordered. No tenant dared bid, and the owner thought as they could not be sold except at a purely nominal price he had no cause for alarm. When a mysterious-looking stranger appeared under police protection and began to bid, there was a great deal of surprise among the Land Leaguers. The leaders of the League retired to hold a council of war, and in their absence the agent bought the cattle at a very low price. They were taken to Dublin, but no salesman dared sell them. They were then shipped to the North and sold for a good price. Meantime the other tenants in the neighborhood got frightened and paid their rents.

The association concluded to follow up the rather profitable business. The tenants, however, usually bid a fair price for and bought the cattle when the Association's agents were present. Sometimes these sales created quite a stir in the neighborhood. A great crowd collected, and when the tenant bought back his cattle they were decorated with ribands and wreaths and driven home in triumph, preceded by a brass band, and the company indulged in a big dinner at the tenant's expense, while the agents of the Association marched off with their guard of policemen amid the hooting and yelling of the triumphal procession. The landlord however, gained his object and got his rent.

The tenant's interests are sometimes sold to pay the rent. The Land League forbade the tenants to purchase their interests when sold in this way. Other tenants, of course dared not bid on such property without incurring the anger of the League. The agents of the Association bought up these tenants' interests often at a low price, and held them in trust for the landlords. Laborers are brought from a distance to work on boycotted farms, and in many cases the farming goes on, under difficulties, it is true, and the operations of the boycotters are seriously interfered with. Supplies are, of course, obtained for these laborers and for boycotted persons. Local organizations of the Association have been formed in many parts of the country. I have several times heard the fear expressed that the Property Association and Emergency Men would get such a foothold in parts of the South, now almost unanimously Catholic, as to make it uncomfortable for the Catholic natives who have had everything their own way.

The Emergency men of the Orange Institution have done a great deal to break the power of the boycotters in some instances. In the very first instance of boycotting, where Captain Boycott himself was the victim, the Orangemen brought relief, although systematic arrangements for rendering aid were not made until later. Captain Boycott was a farmer at Lough Mask and also agent for Lord Earne. He seems to have been an energetic and enterprising Englishman, bent on improving his property and on the whole a good citizen. He, however incurred the displeasure of the tenants of Lord Earne, by serving notices on some of them, and they concluded to "hunt him out of the country," by refusing to have anything to do with him, or allow anyone else to aid him in any way. His life was in danger, and he was compelled to have police protection. He and his wife turned shepherd and shepherdess, and had personal experience in pastoral pursuits. Their servants left them, and their washer-woman and baker deserted them. The laborers dared not help dig the potatoes or help with any sort of farm labor. No one's life would have been safe in so doing. The Ulstermen hearing of the Captain's sorry strait resolved to come to the rescue. When the plan became known the great excitement in the neighborhood of Lough Mask and the threats of violence induced the government to send an army of soldiers and police to keep the peace of the community.

A dozen or twenty men would have been quite sufficient to have harvested the crops, but instead a small brigade of fifty, with baggage and implements, and a numerous and strongly armed escort made their way to the anathematized place. The Captain's perplexity



was, it is said, increased. He had no place to lodge, and no means of feeding such an army. However, they fell earnestly to work, dug the potatoes, pulled the marigolds, and harvested and threshed the oats. The whole affair created such a stir and excitement throughout the country that the name of the victim who was to be hunted out by being left strictly alone, was by common consent attached to this sort of hunting-out process. Captain Boycott was still living at Lough Mask a few weeks ago, and had become quite popular with the same people who were formerly so hostile to him. Since then the Orange Emergency men have been vigilant and active in helping boycotted landlords and agents, and have saved many a harvest and brought upon themselves a great deal of hatred and execration.

The Western portion of Ireland was in an exceedingly lawless state in the early part of the session of Parliament. The outrages were, it is true, diminishing, for the supremacy of the League had been established. The leaders of the organization had exerted themselves to prevent crime, because, it is alleged, they thought it would bring their cause into disgrace, and create so much feeling in England as to make the adoption of coercive measures more certain.

In England the demand that something should be done to suppress lawlessness and violence in Ireland was very urgent. Mr. Gladstone was charged with encouraging the Irish people to expect to gain great concessions through violent agitation. His opponents pointed to his speeches on the effect of the Fenian rising, the Manchester rescue, and the Clerkenwell explosion in bringing the disestablishment of the Irish

church "within the range of practical politics." They demanded the restoration of order before remedial legislation and concessions were granted. Such a demand was just and natural. A bill was introduced regulating and in most cases prohibiting carrying or possessing arms, except under license and, giving power of search and seizure. Another bill gave special powers to the Lord Lieutenant to arrest and imprison persons reasonably suspected of certain offences. The latter has since become famous as the Coercion Act of 1881, under which the leaders of the Land League and several "American citizens" were arrested. The opposition to it on the part of the Irish Parliamentary party was fierce and determined. They used every available means of obstruction, but were finally beaten; the government having been compelled to resort to extraordinary methods to meet the tactics of the obstructionists.

The most important provision of the Act, which is printed in full in the appendix, enabled the Lord Lieutenant to arrest and imprison without trial any person whom he might reasonably suspect of being guilty, as principal or accessory, of high treason, treason-felony or treasonable practices wherever committed, or of any other crime punishable by law in a prescribed district, being an act of violence or intimidation, or inciting to an act of violence or intimidation, and tending to interfere with or disturb the maintenance of law and order. Such person could be imprisoned in any such prison in Ireland as the Lord Lieutenant might direct, and could not be discharged or tried by any court without the direction of the Lord Lieutenant. He was, however, to be treated as a person accused but not

convicted of crime. Lists of these persons thus detained and of the prisons in which they were confined were to be reported to Parliament, or if Parliament were not in session, printed in the Dublin Gazette every month, and every three months each suspect's case was to be considered by the Lord Lieutenant with a view to his release.

It was said that the government would in this way be able to arrest desperate characters, "vagrants and village ruffians," who were known to the police as inciters to or perpetrators of crime, but who could not be convicted because of the lack of evidence, or the sympathy of the jurors with, or fear of the criminals and their friends. It was said that in many cases the police knew the guilty men, but convictions were at the time impossible. It was argued that if some of these persons were shut up others would be frightened, and the violence and reign of terror would cease. In the meantime another great remedial measure was brought in by Mr. Gladstone—the Land Bill of 1881.

## CHAPTER XVI.

THE LAND LAW OF 1881—FREE SALES—FIXITY OF TENURE—FAIR RENT—A STATUTORY TERM—COMPENSATION FOR IMPROVEMENTS FOR DISTURBANCE—PROVISIONS FOR THE PURCHASE OF THE LAND LORD'S INTEREST—THE LAND COMMISSION THE LAND BILL IN PARLIAMENT GREAT OPPOSITION TO IT—THE ATTITUDE OF THE IRISH MEMBERS—THE LONDON TIMES' VIEW OF THE MEASURE.

THE LAND Act of 1870 gave the tenant who was turned out of his holding, except for non-payment of rent or breach of covenant, a right to compensation for disturbance, and to the tenant who left his holding voluntarily as well as to the one who was turned out a right to compensation for his improvements, subject to certain conditions and limitations. It did not, however, prevent the landlord from so raising the rent as to make the tenant's interests of little or no value, and even to force him to leave his holding. Nor did it prevent the landlord from evicting the tenant, although it made the reckless use of the power to evict a somewhat expensive indulgence. The tenants wanted security of tenure, not compensation for being turned out. They wanted also a fixed fair rent so that they would not be liable to pay a tax on all the improvements they had made, and ultimately be plunged into bankruptcy and evicted for non-payment of impossible rents.

The Land Act of 1881 undertook to secure the tenants' interests—his right of occupancy and to the improvements—recognizing him as a quasi partner of

the landlord, whose share in the quasi partnership was the ownership of the soil.

By this Act the tenant of every holding, with a few exceptions, may sell his tenancy for the best price that can be got for it. To this right certain conditions and restrictions are attached. The tenant must notify the landlord of his intention to sell, and the latter has the first right to buy the tenancy at a price agreed upon by the landlord and tenant or fixed by the court. When the sale is not made to the landlord, the tenant must notify the latter of the name of the purchaser and also of the price agreed upon, and the landlord shall have the power to refuse on reasonable grounds, recognized as such by the court, to accept the purchaser. To prevent unwise subdivision of the holdings, the sale can not, without the landlord's consent, be made to more than one person. When the landlord has made or purchased the permanent improvements, his objections to a purchaser shall be conclusive. Out of the purchase money the arrears of rent due the landlord, the value of improvements made by the landlord and damages for waste or breach of covenant shall first be paid. A tenant who has received compensation either for disturbance or for his improvements shall not be allowed to sell his tenancy, and one who has sold his tenancy shall not be allowed compensation for disturbance or improvements. A tenant holding under the Ulster Tenant Right, or a similar custom, may sell his tenancy either in accordance with that usage, or the provisions of the Act.

The tenant may also devise his estate by will, or his heirs may inherit it, the successor in each case having the same claim to be accepted by the landlord, as if he

were a purchaser of the tenancy. The restrictions on freedom of sale are reasonable, and only such as seem to be necessary to protect the interest of the other member of the quasi-partnership.

If, however, the landlord could increase the rent indefinitely, he might entirely appropriate the tenant's interests, and render the right of free sale practically valueless. Even the liability to an indefinite increase of rent would greatly diminish the value of these interests, and discourage the making of improvements. There are, therefore, means provided for fixing a fair rent. This may be done either on agreement between the landlord and tenant, or on application to a court, or to the Land Commission. Where the landlord demands an increase of rent, and the tenant agrees to the demand, then a "statutory term" of fifteen years begins, during which the landlord can not further increase the rent. If, however, the tenant refuses to agree to the increased rent demanded by the landlord, he may sell his tenancy, subject to the increase of rent, and the court shall decide how much he shall be entitled to receive from the landlord, in addition to the purchase money, in view of the depreciation of his interests by reason of this increase of the rent above what the court considers a fair rent. As every pound added to the rent is said to diminish the value of the tenant's interests by twenty pounds it will be seen that this is an important provision. If the tenant refuses to accept the increase of rent, and does not sell his tenancy, the landlord may turn him out, but he is entitled to compensation for disturbance and for his improvements.

During the statutory term the rent can not be in-

creased or the tenant turned out of his holding except for non-payment of rent; persistent waste; subdividing or subletting his holding; erecting any additional dwelling-house, or opening any house for the sale of intoxicating drinks on it without the consent of the landlord; permitting his tenancy to become vested in an assignee in bankruptcy; or hindering the landlord, or any person authorized by him, from entering the holding for certain specified purposes, among which are, mining, quarrying stone, marble, gravel, sand, or slate, cutting turf or timber, making roads, fences, drains, and water-courses, viewing or examining the condition of the holding, hunting and fishing.

The court may, however, for certain specified purposes, allow the landlord to resume or compel the tenant to sell the landlord the whole or a part of the holding.

This statutory term may also be instituted by the joint application of the landlord and tenant, or by the application of the tenant alone to the court to fix a fair rent.

In fixing a fair rent the court is to have regard to the interests of the landlord and tenant respectively, and to consider all the circumstances of the case, holding and district. No rent is to be allowed for improvements for which the tenant or his predecessor in title has been paid or otherwise compensated by the landlord or his predecessor in title. Where the court is satisfied that the landlord is the rightful owner of the improvements, it may refuse the tenant's application to fix a fair rent. A new statutory term may be instituted at the end of the first one, but no change in the judicial rent shall take place at less intervals than fifteen

years. The tenant who has a statutory term can not be turned out of his holding except for non-payment of rent, or breach of some other of the conditions already named, and in these cases he still has a right to sell his tenancy.

In regard to compensation for disturbance the provisions of the Act of 1870 were amended, so as to be more favorable to the tenant. The tenant on being turned out of his holding, except for non-payment of rent or breach of contract, is entitled to such compensation for the disturbance, as the court in view of all the circumstances shall think just, subject to the following scale.

"Where the rent is thirty pounds or under, a sum not exceeding seven years' rent.

"Where the rent is above thirty pounds, and not exceeding fifty pounds, a sum not exceeding five years' rent.

"Where the rent is above fifty pounds, and not exceeding one hundred pounds, a sum not exceeding four years' rent.

"Where the rent is above one hundred pounds, and not exceeding three hundred pounds, a sum not exceeding two years' rent.

"Where the rent is above three hundred pounds, and not exceeding five hundred pounds, a sum not exceeding two years' rent.

"Where the rent is above five hundred pounds, a sum not exceeding one year's rent."

The provisions for compensation for improvements are also more favorable to the tenant than were those of the Act of 1870, under which the tenant was sometimes deprived of compensation through



technical defects in his title. In general the tenant on leaving his holding either voluntarily or through the act of his landlord, is entitled to compensation for all improvements made by himself or his predecessor in title. Compensation, however, is not allowed for improvements, except permanent buildings, and the reclamation of waste land made twenty years before the claim; for improvements prohibited by the landlord in writing as tending to diminish the value of the holding, and so regarded by the court; or for those made in pursuance or contravention of a contract.

The law applies to the great majority of agricultural and pastoral holdings in Ireland. Demesne lands, town parks, grazing farms valued at more than fifty pounds per year, laborers' holdings, and a few others are excepted. It does not apply, as a rule, to existing leases, although in most cases the tenant at the expiration of his lease is to be regarded as having the same interests in the holding as if he were a tenant from year to year. Leases formed after the passing of the Landlord and Tenant Act of 1870, could be set aside on application of the tenant within six months after the passing of the act, provided in the opinion of the court the lease contained terms that at the time of the granting of the lease were unreasonable or unfair to the tenant, and procured by the landlord by threat of eviction, or undue influence. A tenant whose holding or the aggregate of whose holdings is valued at an annual value of not less than one hundred and fifty pounds, may contract himself out of any of the provisions of the Act. With this and a few other exceptions any contract inconsistent with the provisions of the Act is void. Thus the tenant's interests are not only secured

against the landlord, but in one direction against himself.

The Act not only provides for the security of the tenant's interests by allowing him to sell them at the best price he can get for them, and by protecting him against unfair rents and eviction, it enables him, in some cases, to buy the interests of the landlord. Where a sale of a holding is about to be made by a landlord to a tenant, the Land Commission may, if satisfied with the security, advance the tenant three-fourths of the purchase money, to be repaid by an annuity of five pounds per hundred per year of the loan for thirty-five years. The Land Commission may also give a guarantee of title to a tenant, purchasing an estate subject to incumbrances. Any estate may be purchased by the Land Commission for the purpose of re-selling to the tenants, provided the Land Commissioners are satisfied that not less than three-fourths of the tenants, paying not less than two-thirds of the rent of the estate, are able and willing to purchase their holdings, and the Commission may advance to a tenant proposing to pay the whole price of his holding, three-fourths of the purchase money, and, to one proposing to pay a fine and a fee farm rent, one half the fine, provided the fee farm rent does not exceed three-fourths of what the Commission would consider a fair rent. Lots which the tenants do not wish to purchase may be sold by the Commission in such a manner as they think fit, and one-half the purchase money may be advanced to the purchaser. Provisions are also made for advancing money to aid in the reclamation of waste lands, and to assist persons under certain conditions to emigrate.

A great deal is left to the judgment of the Court

and Land Commission. The Court is the Civil Bill Court of the county in which the case arises. One of the most important features of the measure is the Land Commission, which consists of one judicial and two other Commissioners. The Commissioners appointed by the Act were Mr. Sargeant O'Hagan, Judicial Commissioner, and Messrs. Edward Falconer Litton, and John E. Vernon. The Lord Lieutenant, with the advice and consent of the Treasury, as to number, may appoint and remove Assistant Commissioners. The land commission may form sub-commissions in any province or district. These sub-commissions shall consist of such a number of assistant commissioners, or of a commissioner and one or more assistant commissioner, as the Land Commission may think fit. The Land Commission may delegate to these sub-commissions such of their own powers, except as to appeals as they think fit. Any person aggrieved by the action of a sub-commission, or one or two commissioners, may have his case reheard before the three commissioners, except where one is sick or unavoidably absent.

Any person aggrieved by the decision of any civil bill court with respect to the determination of any matter arising under the Land Act of 1870 or 1881, may appeal to the Land Commission which may affirm, modify or reverse the decision of the Civil Bill Court. The land commission has power to hear and determine all matters whether of law or fact, coming under the act. It may of its own motion, and must in certain cases state a case in respect of any question of law arising in such proceedings, and refer the same for consideration to Her Majesty's Court of Appeal in Ireland.

The Commission has very extensive powers. On its decision, as to what is a fair rent, the value of the interests of the two parties depends. The Commissioners have, as a rule, the respect and confidence of those who know them. They are regarded as men of sagacity and integrity.\*

Few legislative enactments have ever been more thoroughly discussed, clause by clause, and line by line, than was the Irish Land Law of 1881. That it gave the tenant a legal interest in the land far beyond what he had had before, and that in securing that interest and the right to his improvements, it seriously interfered with the freedom of contract, is undoubtedly true. Mr. Gladstone claimed that it was simply a frank acceptance of Irish customs, as a part of the law of the land, and that the departure from the principles of free contract was required by the circumstances of the country. These circumstances were the great pressure of the demand for land as compared with the supply and the conduct of a comparatively few "harsh and grasping and even cruel landlords." He dwelt upon the necessity of having some tribunal to fix a fair rent. The rent in the market in Ireland could not in view of the tenant's interests be a fair rent.†

On the other hand, it was urged that the law gave the tenant valuable interests that he had no moral right to. Where did he get the right of occupancy? Had not the landlord the right as owner of the soil to rent it to whomsoever he chose? Had the tenant acquired or purchased this right of permanent occupancy? It was simply taking so much property from the landlord

\* For the full text of the Act, see Appendix K.

† "Hansard's Parliamentary Debates, 1881."

and giving it to the tenant. It was argued by Lord Salisbury and others, that some of the smaller purchasers in the Encumbered Estates Courts would suffer most unjustly. "The large land owners could as a rule take care of themselves, but these men had often put their earnings and savings into small farms, and had been guaranteed clear titles. Now the government comes along and takes a part of the value of these estates from the owners and gives it to the tenants."

The fair rent provisions too were attacked, and an attempt made to show that it would be just as hard for the tenant to pay a low rent to the landlord and a high rate of interest for the money paid for his interests, as to pay the fair market rent once for all to the landlord.

Messrs. Parnell, Healy and Russell disputed vigorously every change that was calculated to diminish the benefits secured to the tenants, resorting to their now well-known tactics of opposition, and made a great many suggestions and amendments, some of which were accepted to the improvement of the measure and others rejected as too radical or inexpedient. While many of these suggestions and amendments improved the measure, the attitude of Mr. Parnell and his followers was one that certainly laid them fairly open to criticism. The measure was far the most radical one that had ever been brought forward to remove the long standing grievances of the Irish tenant farmers. A few years ago it would not have been possible to have induced the House to seriously consider a bill of so radical a character. The Prime Minister had a most difficult task to force so extreme and unprecedented a measure through Parliament against the opposition of men whose incomes it contracted and whose

life-long principles it contradicted. And yet thirty-six of the forty-five members of the Parliamentary party under Mr. Parnell's leadership walked out of the House of Commons, when the bill came up for the second reading, to show their contempt for the measure and their determination to have no responsibility for it. Those who stayed and voted for it were branded as traitors to their party. In a speech at a Land League meeting in Dublin afterwards, Mr. Parnell is reported to have said 'that the government had brought in the bill in order to prop up expiring landlordism, and that they opposed it because it was opposed to the principles of the League, while they threw no impediment in its way, so that the Irish people might in the end have an opportunity of choosing and judging for themselves.' He proposed a convention in Dublin on the 15th of September for the purpose of pronouncing judgment on it. The whole purpose of the speech seems to have been to fill the people with distrust of the measure. It also had the effect of increasing English distrust of Mr. Parnell and his friends.

Mr. Richard Pigott, who, as an editor and agitator, for a long time took an active interest in Irish affairs, suffering imprisonment more than once for his rashness in opposing the government, after praising the measure as practically abolishing landlordism, the best measure that the Irish tenantry can expect or have a right to expect from their rulers," says that Mr. Parnell admitted to him that the measure was "really excellent," "a far better bill than any one could have expected; much better than the beggars deserve, but," he cautiously added, 'we must not say all that you know.' " \*

\* "Recollections of a Journalist," page 410.

The bill was sent on the 29th of July to the House of Lords who proceeded to make some sweeping amendments. There was loud talk of a crisis. Everybody in England and Ireland seemed anxious. The Lords, however, yielded on all their important amendments, and the bill became a law on the 22d of August, 1881.

Some of its friends were very hopeful, but the great mass of the English people looked upon it as an experiment of a somewhat dangerous and doubtful character. The *London Times* reflected the sentiment of many Englishmen. "There could be no greater mistake," it said, "than to suppose that the Irish Land Bill has been received by any considerable section of politicians in this country with enthusiasm. It has been accepted as a necessity, justified by the existence in Ireland of exceptional and deplorable conditions, to the evil consequences of which a remedy in itself doubtful and even dangerous had to be applied. But it was never disguised that the state of things which the land bill aims at establishing in Ireland constitutes a retrogression from the principles of civilized societies. Not only Conservatives, but Liberals of every school, except a few radicals tainted with anti-economic heresies of foreign revolutionary parties, acknowledged that the abolition of free contract in regard to land, the intervention of a court for settling rent and other matters that are usually left to the determination of the parties, and many other provisions of the bill would not be tolerable in any country except one in which the existing system had worked so badly that any experiment might be legitimately tried."

## CHAPTER XVII.

THE APPLICATION OF THE COERCION ACT—MR. P. J. SMYTH WRITES TO HIS FELLOW-CITIZENS AT TRALEE, SEVERELY CRITICISING THE VIOLENT AGITATION—IRELAND IN THE SUMMER OF 1881—THE BATTLE AT THE KEIMANEIGH PASS—A PARISH WITHOUT A DISTURBANCE, A POLICEMAN, A POST-OFFICE, OR A PROTESTANT—OPPOSITION TO THE LAND LEAGUE—MR. PARNELL PROPOSES TO TEST, NOT USE THE LAND ACT—MR. GLADSTONE DENOUNCES PARNELL WHO MAKES A VIGOROUS REPLY—THE LEADERS OF THE LEAGUE ARRESTED AND THE ORGANIZATION PROCLAIMED—THE NO RENT MANIFESTO.

THE Coercion Act had excited a furious debate in Parliament and was the subject of bitter complaint in Ireland. Members of Parliament who refused to join the obstructing party were voted traitors to Ireland and asked to resign by the irate Land Leaguers. Mr. P. J. Smyth, well-known as one of the ablest and most eloquent of the Irish members, and a man thoroughly identified with Irish interests, administered a rather cutting rebuke to some of his countrymen at Tralee. He wrote in reply to an invitation, "I have the honor to acknowledge the receipt of a circular from the Tralee Land League, inviting me to attend a public meeting to protest against the suspension of the liberties of the Irish people, and to call upon all friends of the cause to redouble their exertions to strengthen the movement, &c. I beg you will be so kind as to convey to Mr. Harrington and the members of the branch my deep regret that the relation in which I stand



toward the Land League forbids my complying with so flattering a request. I am the advocate of a third measure of land reform, but in exact proportion to my desire to promote such a reform is my detestation of the policy truly described by Mr. Mitchell Henry, as 'stupid, irrational, almost insane, by which a just cause has been sacrificed and our country dishonored.' Coercion was courted, and it has come. The *clôtûre* was challenged, and it is there. Letter opening was invited, and it is revived. Nationality was put aside. Would the best land bill in the world compensate for the disasters that an almost insane leadership has brought upon us? When I contemplate the political Moody and Sankeyism that appears to fascinate so many of our people; when I see Irish women forgetful of the modesty that becomes their sex and for which the women of Ireland have heretofore been celebrated, turning stump orators; when I read the imbecile counsels promulgated one day from public platforms and withdrawn the next, I hang my head for shame as an Irishman, and the question forces itself irresistibly upon me, whither have fled the pride, the manhood, the virtues of our race? *Non tali auxilio nec defensoribus istis tempus eget."*

The first arrests were of some of the local Land League organizers, officers and agitators. They were mostly charged with inciting others "to intimidate certain of Her Majesty's subjects with a view to compel them to leave their lawful occupations." The government seemed to direct its efforts against the League, taking up usually the men who had been most violent in their language in the districts where the crimes were most common. Complaint was made

that the respectable men of the country and not the "village ruffians" were made the victims of the extraordinary powers granted to the Lord Lieutenant, and much sympathy was expressed for the suspects, who were regarded as martyrs. Funds were raised to sustain them and their families and business. If they were farmers, their neighbors looked after their crops. The Land League funds were frequently replenished by contributions from this side the Atlantic. In fact, most of the money came from this country, and the cry raised in consequence of the Coercion Act helped the cause here immensely.

In the early part of the year evictions had been numerous, but after the Land Bill was introduced there seemed a disposition on the part of some of the landlords to wait for developments. No doubt the difficulty experienced in serving processes and carrying out the evictions led some of the landlords to postpone action, and see what the Land Act would do, hoping that affairs would become more settled after its passage. The outrages diminished somewhat. The prospects of a good harvest, the hope of good from Mr. Gladstone's new Act, the acquiescence of the people in many parts of the country in the supremacy of the League, and the fear of arrest on "reasonable suspicion," combined to slightly reduce the number of acts of violence. Still there were plenty of crimes, evictions, riotous assemblies, and violent speeches and resolutions. In July and August, I found many of the people whom I met in a state of expectancy, waiting to see what would come of the action of Parliament. The Irish papers, which always give remarkably full accounts of the discussions in Parliament, were eagerly read, and the

various suggestions and amendments to the Bill discussed with interest. In many places the people seemed very determined to stand out against the landlords, and renew the fight, if the law did not remove their grievances and secure their rights.

Griffith's valuation was the rent generally insisted upon as fair, although the local branches of the League usually determined the standard for their own districts. One heard a good deal of talk of shooting and driving out the landlords. An Irishman told me with a good deal of glee of the attack that had been made on Mr. R. H. White near the wild bleak pass of Keimaneigh. Mr. White, who lives in Glengariff Castle, had attempted to evict some of his tenants who had not paid their rents for more than two years. When, attended by a servant, he was passing through this district, about a hundred and fifty, my informant said, of the natives—the wildest sort of wild Irishmen—attacked him. He was armed with a brace of pistols, but found a fast horse more to his mind in the face of such odds. The man who told me the story thought, in his simplicity, that that one victory would be enough to free Ireland from the grasp of the tyrant. Mr. White had withdrawn to his castle at Glengariff, in the midst of most beautiful scenery, and, with two cannon planted at his door, was said to be polishing up his guns and keeping his powder dry.

His friends say that he had spent a great deal of money on his property, and it was necessary for him to have at least a part of the two years' rent due in order to meet his liabilities. In this respect, he illustrates what I have already mentioned as true of many Irish landlords. "It's deuced awkward," one of them

said, "to get no rent, to have no other source of income, and yet be pressed to pay settlements, quit-rents, and interest."

There is also a Mr. Preston White, who owns quite an estate at Glengariff, and who has lately spent a great deal of money in improving it, employing quite a number of laborers. His people call him the white White, in distinction from his neighbor, whom they dub the black White. While, as a rule, the troubles were greatest in the poorer parts of the country, there were some rather remarkable exceptions. I heard a priest ask Father John, a very jolly, kind-hearted old gentleman, and parish priest of Glengariff, one of the poorest parishes in Ireland, whether he had any disturbances in his parish. The answer was, "No, thank the Lord, in the whole twenty-three miles there isn't a disturbance, or a man who opposes me, or a policeman, or a protestant, or a post office; I am literally monarch of all I survey." Numbers of the landlords who had lived at least a part of the time on their estates, had left the country through fear of violence. Some of those who were in the country were under police protection, but didn't seem to relish "their guard of honor."

I have in these chapters frequently alluded to the way in which the tenant's improvements have been appropriated by the landlord's raising the rent. I found there were also cases where the tenants tried to get the landlord's improvements for nothing. For instance, a landlord told me he had bought a farm twenty years ago, and spent as much on the improvements as the land cost. The rent was of course increased to the standard thought to be fair in view of the increased

value. The tenants, he said, refused now to pay rents above Griffith's valuation, which had been made before his improvements. The result was that he had to take half rent or none.

While a great many people, particularly in the South and West, were evidently in sympathy with the war against the landlords, and with the violent agitation, there were numbers who deprecated the outrages, and the disturbed state of the country. Some of these were prosperous tenants who wanted to go on quietly with their work. These were especially numerous in the North and East. Then the shopkeepers found their business was often interfered with by the disorders; the merchants and mercantile agents were seriously disturbed in their operations. Business was dull. Hotel-keepers, car-drivers, and all that class of men who profit from the presence of tourists, or of landlords and their friends on hunting and fishing trips, were, as a rule, opposed to the agitation, but often did not dare to speak their opinions openly. In the North, however, the expressions of dislike for the violence and lawlessness were often emphatic. "The Land League is ruining the country" was a sentiment often heard. The press too of the North often took a decidedly different view of matters. In other parts of the country, if a tenant had refused to pay his rent, and been turned out, the story was apt to be told in language of indignation at the landlord, and the action of the tenant and Land League was the subject of eulogy. In the North it was frequently different. The evicted tenants were characterized as "victims of Land League terrorism," and their action in obeying the dictates of the League severely criticised.

One often heard the hope expressed that the new legislation would help matters. The confidence in Mr. Gladstone was very general. People said he was "a true friend of Ireland, anxious to do all he could for her, that he would do all in his power to make the land bill help the farmer, but that he had great odds to contend against." Mr. Parnell had a great following, particularly among the more dissatisfied.

When the bill became a law, many of the more moderate Irishmen had great hopes that a remedy had at length been found for the old grievances, and that landlordism in Ireland was dead. The whole course of the leaders of the Land League tended to discredit the measure with the Irish people. The best that they seemed willing to say was the admission in a guarded way "that it might prove of some value," be accepted as "the first instalment of the justice" so long demanded by the tenants. The advice was not to apply to the Land Court. Test cases were to be selected by a committee in order to see of what value the measure really was. They proposed "to test, not use" the measure. Mr. Parnell, (Oct. 7,) in speaking of the cases that had been presented to them to choose test cases from, said he wished to guard the public mind against the idea that the applications were likely to be of much value, for the applicants, who were usually tenants of very small holdings of from £3 to £5 rent, unless the rent were reduced 700 or 800 per cent. would derive no benefit from the Act. He believed that some of the most extensive landlords in Mayo intimated that they will refuse the benefits of the Arrear Clauses, and he thought the court could not use the power to fix a fair rent. The League would test the

benefit "if any likely to result to different classes of tenantry from the operation of the Act, and strong measures would be taken when it had been ascertained that the court had failed to give justice. He was determined to take whatever action was necessary to protect the small tenants in the West of Ireland who were not likely to be benefited.

. In a speech at Leeds Mr. Gladstone strongly denounced Mr. Parnell and the course that he and his followers had pursued both in and out of Parliament. He said, "I will frankly take the case of Mr. Parnell as exhibiting what I mean when I say, the state of things in Ireland is coming to a question between law on the one hand and sheer lawlessness on the other. I will go very briefly over the five points of Irish patriotism as it was known in the time of O'Connell and as it is now being made known in a very different shape. O'Connell professed his unconditional and unswerving loyalty to the Crown of England. Mr. Parnell says if the Crown of England is to be the link between the two countries it must be the only link, but whether it is to be the link at all—I am not quoting his words—is a matter on which he has not I believe given any opinion whatever. \* \* \* Whereas friendship to England was the motto of O'Connell, hostility to England and Scotland is the motto and avowed principles of Mr. Parnell. O'Connell on every occasion declared his respect for property, and, as far as I know, consistently maintained it. What says Mr. Parnell upon that subject? Well, months ago he told the people of Ireland they ought to pay no rents they had covenanted to pay, that whether they were able to or not they were under no obligation to pay those rents.

\* \* \* Now the Land Act has passed into law, and now that Mr. Parnell is afraid that the people of England by their long continued efforts may win the hearts of the whole Irish nation, he has a new and enlarged gospel of plunder to proclaim. He says that whereas the rental of Ireland is £17,000,000 of money the landlord is entitled to nothing but the original value of the land before the spade was put into it and that the rental he may justly claim is not £17,000,000, but possibly about £3,000,000 of money. I ask you, as honest men, whether it is possible to describe proceedings of this kind in any words more just than the promulgation of the gospel of sheer plunder."

Two days afterwards Mr. Parnell replied in a speech before a great assembly at Wexford, denouncing Mr. Gladstone in very strong terms. He characterized the Prime Minister's speech as "unscrupulous and dishonest," the utterance of one who stood "the greatest coercionist, the greatest and most unrivalled slanderer of the Irish nation." "No misrepresentation is too patent, too low, or too mean for him to stoop to, and it is a good sign that this masquerading knight-errant, this pretended champion of the liberties of every other nation except those of the Irish nation should be obliged to throw off the mask to-day and to stand revealed as the man who by his own utterances is prepared to carry fire and sword into your homesteads unless you humble and abase yourselves before him and before the landlords of this country." He asserted that the Land League had gained for the tenants security of tenure and some abatement of rent. They (the tenants) had gained something by their exertions during the past twelve months, but it



was only a fraction of what they were justly entitled to. The Irishman who thought he could now throw away his arms would find to his sorrow and destruction, when too late, that he has placed himself in the hands of a perfidious, cruel and unrelenting English enemy.

A few days later (October 13th) the government arrested Mr. Parnell on two warrants, one charging him with intimidating others from paying just rents, and the other with intimidating tenants from taking the benefits offered by the new Land Act. Mr. Sexton, who had taken charge of the organization after Mr. Dillon's arrest, and had been very fearless and outspoken, and Mr. Quinn, acting secretary of the League since the arrest of the secretary, Mr. Brennan, were also incarcerated in Kilmainham jail. The surprise and excitement at the action of the government was very great. The arrests were followed by a proclamation declaring the Land League an illegal organization, and warning all persons that its practices were "unlawful and criminal." This proclamation, the official sentence of the government, is an interesting document. It is as follows:

"By the Lords, Justices General and General Governors of Ireland.

"Monch.

"Edward Sullivan, M.P.

"Whereas in many parts of Ireland an organized system of intimidation is practised, whereby divers of Her Majesty's subjects under apprehension of violence to their persons or properties, or deprivation of the necessities of life or loss of business are coerced to give up their lawful employment; to abandon their lawful pursuits and occupations; to abstain from the payment of rents lawfully due by them or the fulfilment of their other lawful engagements; to become members of or subscribers

to the funds of an association commonly known as the Land League ; or to abstain from what they have a legal right to do, or to do what they have a legal right to abstain from doing. Now we do hereby warn all persons that all such practices of intimidation are unlawful and criminal, and that any person engaged in any such practices, or inciting thereto, is liable to be arrested and imprisoned."

By their Excellencies Command,

W. E. FORSTER.

Dated at Dublin Castle this 14th day of October, 1881.

The excitement in Dublin quickly became intense. A great meeting was held at which the Lord Mayor presided. Mr. E. D. Gray, who has since been imprisoned by Judge Lawson for contempt of court, and who, owing to the dense crowd, was compelled to enter the building through a window by a ladder, presented the first resolution, which declared that "Whereas it appears to be obvious that the arrest of our leader, Charles Stewart Parnell, is solely for preventing him from exercising his constitutional right of advising the people of Ireland in reference to the action they should adopt towards the Land Act; Resolved that we stigmatize the arrest as one of the most arbitrary, lawless and tyrannical acts that have ever disgraced the annals of British rule in this country." Among the speakers were Messrs. Biggar, T. D. Sullivan, O'Kelly and Dillon. Mr. Dillon was particularly emphatic in his denunciations of the arrests. Next day he was re-arrested, having been arrested at an earlier period and released because of his poor health, and Mr. O'Kelly, M. P. for Roscommon, and Mr. O'Brien, Editor of *United Ireland*, the organ of the Land League, were also lodged in Kilmainham jail. Other arrests of Land Leaguers of lesser note were made

without delay. The excitement and indignation throughout the country were very great. In spite of the extra precautions of the police and the advice of some of the calmer of the leaders occasional riots occurred, some of them of a serious character. Stone throwing and window smashing, and attacks on policemen were quite frequent in Dublin. In Limerick and other places also, disorders occurred.

The government had hoped that when the Land Bill became a law, the violent opposition of the Irish Parliamentary party would cease or become of little account in view of the advantages offered the tenants by the measure. Finding, however, that the agitation did not cease, nor the opposition subside, but that the whole power of the Land League seemed to be directed toward thwarting the government in its efforts to pacify the country and induce the tenants to accept the message of peace it had resolved to break up the Land League at all hazards. Some of the officers of the League had feared such action on the part of the government. Patrick Egan, the treasurer, had some time previously betaken himself to Paris with the funds. On October 18th the League had been declared an illegal organization, and its President, Secretaries and head organizers and others of its chief men had been arrested. The effort of the government seemed, for a time at least, only to increase the influence of the organization. It did not even silence its leaders. On the evening of October 18th the "no-rent" manifesto signed by Messrs. Parnell, Davitt, Brennan, Dillon, Sexton and Egan was issued.

It declared that while they were making an earnest effort to test the Land Act, to see what measure of

redress it would afford, to protect the people of Ireland against the cruel tyranny of landlordism, supported by the power of the government, and when landlordism was in its last gasp, the government had deliberately resolved to attempt to destroy the machinery of the Central League, in order to render a fair trial of the Land Act impossible, and to force the measure on the tenants at its own terms. The brutal and arbitrary dispersion of the Central Executive had made it impossible to properly present test cases to the court. A great crisis in the war against landlordism had come. The cause for which they had labored and fought was in the greatest peril. One weapon alone remained, "the strongest, swiftest and most irresistible of all. We hesitated to advise our fellow countrymen to apply it, until the savage lawlessness of the English government provoked a crisis." This weapon was the resolution to "pay no rent, while the government persisted in its tyrannical course." \*

The government, in the belief that it was bringing a message of peace to the Irish tenants, removing the grievances of which they had complained for generations, and securing the rights and interests they had so earnestly claimed, and that the League was the chief obstacle in the way of success in its undertaking, had resolved to remove that obstacle. Mr. Parnell and his followers holding that the government had not recognized at all fully the extent of the tenants' interests, that all the difference between the rental of land in an uncultivated state, and that of the farms at the moment, was the product of the labor and money of the tenants who had the highest right to those fruits of their toil

\* For the full text of the No-rent Manifesto, see Appendix.

for generations ; that the Land Act offered no hope for the security of these interests ; that anything less than security for them all would be unsatisfactory ; had bent all their energies toward preventing the tenants from putting any confidence in the purposes of the government or the effects of the measure, and to keeping their minds and organization in readiness for continuing the war against the system which was depriving them of their rights and interests, and producing continual suffering and periodical famine. That the new court would not reduce the rents to anything like the standard which this view of the tenants' interests had set up was a foregone conclusion. Acquiescence in anything of short this standard would be a calamity. Now that the tenants were organized and driving the army back, it would be madness to peaceably settle down in their tents and allow him to recruit his demoralized forces and strongly fortify his position. So the declaration of war was renewed, and the conquering tenants fighting for "their homes, their children, and their freedom," were exhorted to "stand together and face the brutal and cowardly enemies of their race" in a final struggle.

There was an additional consideration that must be kept in mind in considering the action of the leaders of the Land League. It had frequently been strongly urged in Parliament that ampler provisions should be made for the small tenants in the West who were badly in arrears for their rents, and who could not avail themselves of the provisions of the act unless relief from these arrears were first given. The pleas made in their behalf were, to a considerable extent, disregarded. A loan was allowed them to pay a por

tion of their arrears, provided the landlord joined in making the application. It was strongly urged that this remedy would be wholly inadequate, and that far the larger number of those who were in the most pressing need of relief, would not be reached at all. The condition of these people would be rendered much more hopeless were their more prosperous neighbors to settle down to the quiet enjoyment of the measure of justice and security that the new law had guaranteed them. This consideration had a powerful effect on the minds of some of the leaders. Then, too, the Irish Parliamentary party believed that Ireland never could get the ear of Parliament unless there was a terrible famine or an agitation bordering on civil war. I have heard them express this opinion repeatedly. They resolved to maintain the agitation, in order to force further concessions from Parliament, Home Rule, the land at a nominal rent, and the fee simple at a nominal price were the objects that many of the leaders had in view. That large numbers of the people were fully resolved to follow these leaders is certain from the events of the year that has passed since then.

## CHAPTER XVIII.

THE EXCITEMENT PRODUCED BY THE ARREST OF THE LEADERS OF THE LAND LEAGUE—MEETINGS, SPEECHES, AND RESOLUTIONS—ATTITUDE OF THE CATHOLIC CLERGY—PRISONERS' RELIEF ASSOCIATIONS—THE LADIES' LAND LEAGUE ISSUE A PROCLAMATION—OPEN AGITATION ABANDONED—SECRET SOCIETIES FLOURISH AND OUTRAGES CONTINUE—THE NEW LAND LAW GOES INTO OPERATION AND MANY TENANTS APPLY FOR ITS BENEFITS—A SPECIMEN NO-RENT MANIFESTO—THE CRIMINALS GO UNPUNISHED.

MEANS were at once taken to circulate the no-rent manifesto. A circular was issued to every branch of the Land League, enclosing a copy of the manifesto, and asking that immediately upon its receipt a meeting be called to hear it read, and an accompanying placard, "*No Rent*, by order of the Executive," should be posted in the most conspicuous places in the neighborhood.

In Cork, a meeting called to consider the arrest of Mr. Parnell, requested the shopkeepers to close their places of business as a mark of their disapproval of Mr. Gladstone's action. The request was generally complied with, even those who had no sympathy with the meeting deeming it imprudent to keep open in view of the wild excitement that prevailed. One of the doors had a mourning card attached to it with the words, "Closed in consequence of death of constitutional government in Ireland." Mr. Gladstone and Mr. Forster were carried in effigy through the streets, dragged

through the mud, torn to pieces or burned by the indignant crowds.

Frequent meetings were held in the cities and throughout the country; speeches were made everywhere denouncing the action of the government, and asking the people to stand firm and resist to the bitter end the power of the government. They were often urged to abstain from violence, but to offer the most determined resistance to their enemies. The suspects on their way to prison, were often greeted by large crowds whom they exhorted to stand by the principles of their organization, assured that victory would certainly be achieved in the end. Riots, as I have said, sometimes occurred, police and constables were injured, and plenty of stones were thrown and windows broken. The police were sometimes charged with bringing on the disturbances by an illegitimate interference with the people. That more collisions of a serious nature did not occur, in view of all the exciting circumstances, is remarkable. It was probably due to the exhortations frequently given at the meetings to abstain from violence, and to the numbers of police and soldiers distributed in the most disordered districts.

After the issue of the no-rent manifesto the government issued a proclamation declaring the Land League an unlawful and criminal organization, and all meetings and assemblies to carry out its designs alike unlawful and criminal, and its determination to disperse such meetings and assemblies, if necessary, by force. In response the League issued a proclamation calling upon the people to abandon all public meetings in connection with the Land League in view of the government having determined "to resort to armed force in order



to prevent the Irish people exercising their constitutional right of public meeting."

Many of the more prominent Catholic clergy denounced the no-rent manifesto as they had previously denounced the outrages. A letter of Archbishop Crooke on this subject called forth a good deal of comment, and, although it was modified by his subsequent utterances, it may be taken as expressing the view taken of the action of the League by a large number of the Catholic, and by almost all the Protestant clergy.\*

There are numbers of the ordinary priests in Ireland who are sons of tenant farmers, and entirely in sympathy with them in their feeling of hatred to the government and landlords. These, as a rule, sympathized with the popular cause, and some of them joined in expressing indignation at the action of the government.

The result of the action of the government was the breaking up of the League as an open active organization in Ireland. Meetings that had been called were given up. Where meetings were held under other names the speakers were more guarded in their utterances. Associations were formed often out of the local branches of the Land League, to provide support for the suspects and their families. The Ladies' Land League became much more prominent. It too issued a proclamation appealing for aid in the grave crisis to alleviate the hardships of "their bravest and best" who were suffering privations and hardships in prison for the sake of the common cause. It asserted that "an

\* See Appendix F. The most significant portions of Archbishop McCabe's pastoral on the subject will be found in Appendix E.

alien government, in the hope of stifling the unconquerable resolve of the Irish race to maintain a place on the soil allotted to it by Providence, is prepared to confiscate the liberties of an entire nation." The men who were suffering for their devotion to the cause, should be supported in a befitting manner while in prison, and their families, and the families of others unjustly imprisoned for trivial or imaginary offences, kept from want and starvation, and properly cared for. The appeal met with a favorable response, and large sums of money were contributed. The Land League had aided evicted tenants, and had supported, when necessary, the families of imprisoned suspects, thus preventing in many cases not a little suffering; and in this work the ladies had also joined. Now it was carried out mainly through their instrumentality. Their efforts were directed more towards relieving the actual or threatened distress caused by evictions and arrests growing out of obedience to the rules of the League, and the violent agitation, than to promoting the agitation itself. They, however, urged tenants to pay no rent, and offered to sustain their families if evicted. New branches of the Ladies' Land League were formed, and children's branches also increased in number.

While the fierceness of the agitation was abated, and open meetings to a large degree given up, crime did not cease. Many of the loud talkers were silenced. In some communities there was a general disposition to accept the Land Act. While there was a great outcry on the arrest of the leaders of the League, and much indignation was expressed in many quarters, there was also a considerable party who strongly disapproved of

the violent agitation and utterances, and refused to join in the wholesale abuse of the government. Many who were intensely Irish in their sympathies, who had done and suffered much in former years for the Irish cause, censured severely Mr. Parnell and his followers, and thought their arrest and imprisonment the legitimate result of their sayings and doings. Boards of Guardians and town corporations did not always pass the resolutions proposed, censuring the government. The corporation of Dublin discussed a resolution laid before it by Mr. Gray, conferring the freedom of the city on Messrs. Parnell and Dillon as a rebuke to Mr. Gladstone and the government, but the vote was a tie, and the resolution was rejected by the casting vote of the Lord Mayor.

The plan of the government seems to have been to remove the Land League, the chief obstacle in the way of the working of the Land Law, as soon as the machinery of the new court was in readiness. Notwithstanding the excitement and indignation caused by the arrests, and the advice of the imprisoned suspects and others to the tenants to abstain from accepting the new law, a large number of applications were made to the court to fix a fair rent. The fees for entering the court were small, and the methods of procedure simple. The first cases decided showed such substantial reductions of rent that the tenants saw that the advantages to be derived from the measure were likely to be very great. The applications to the court were so numerous that it was confidently predicted by some and feared by others that the court would be swamped with business. There were, however, a large number of the tenants who were not likely to be benefited by the measure. Mr.

Parnell estimated the lease-holders whose leases began before 1870, and who had therefore nothing to hope from the new law, at 100,000. The dairy farmers and other tenants who had taken large consolidated holdings since 1848, were also numerous, and, not having made many improvements, could not expect much from the measure. In fact some of them were excepted by the law. Then there were many whose rents were already so low that it was vain to expect reductions from the court as it was constituted, and others were prevented by arrears of rent from applying. It was estimated that not more than half the Irish farmers could hope for any immediate benefit from the new law. Among the number of those whose rents would not be reduced by the law there were no doubt many who were much dissatisfied, and who hoped by further agitation under the same leaders and by the same methods that had compelled, as they thought, Parliament to enact a remedial measure, to entertain their plea. Then there were many besides who wanted such sweeping reductions of rent as were suggested by Mr. Parnell, 600 or 800 per cent., and whose hopes could only be fulfilled by violent and revolutionary agitation. Many too, distrusting the "alien government" and the courts, preferred to trust their cases to the advice of Mr. Parnell and other leaders of the League, than to the government, however fair its promises.

While, therefore, there was much less violent agitation, there was still great discontent, and with all the disposition to apply to the courts, there were plenty of tenants willing to obey the "no-rent" decree of the Land League, and to use every effort to carry out the order. Those who paid were often boycotted, or suffered

severer penalties. Attempts to evict tenants, although attended by less noisy demonstrations, were often followed by quite as disastrous results, when any one dared to take the holdings thus cleared. Instead of open, outspoken agitation, secret conspiracies flourished. The Ribbonmen and Fenian organizations gained in power and influence, and the reign of terror to rent-paying tenants, landlords, and agents continued.

The government continued to arrest the men who seemed to be the leaders of the violent opposition and the instigators of the crimes. Many men of influence and respectability were among the suspects. "The village ruffians and midnight marauders went apparently untouched—nay multiplied in numbers and increased in insolence and crime; while innocent men by the hundred—men of upright and stainless lives—the first citizens of the land—mayors, magistrates, members of Parliament, public representatives of every degree—were seized and flung into the jails on mere suspicion without accusation, investigation, evidence or proof," is Mr. A. M. Sullivan's way of characterizing the working of the Coercion Act. As the secret societies increased in power, the outrages increased in numbers. The condition of affairs was quite as bad as ever. The resolution to pay no rent spread rapidly as the autumn advanced. Often those who were able and willing to pay dared not do so. Some paid secretly, sometimes through deposits in the banks, or through third parties at a distance, often declining to take receipts, so that their midnight visitors who came to inquire what they had done, suspecting that they had violated the manifesto, could find no proofs against them. Lists were pub-

lished of those who had enrolled themselves in the "no-rent" army, and the terrors of boycotting were visited on those who refused to enlist. Each week brought a terrible list of crimes, mostly growing out of the attempt to enforce the "no-rent" manifesto. Some of our fellow-citizens of Irish descent called these crimes executions, and regarded them as necessary for the carrying out of the just laws enacted by the Land League, which they regarded as truly representing the Irish nation. I talked with a violent agitator recently about the murders. He said the men all had warnings—"It was their own fault if they didn't heed them. They had three distinct warnings. In Mr. Blake's case for example, they cut off a sheep's head and hung it up in his hall door as an intimation of what he might expect." The threatening letters and placards were very numerous. In peaceful countries such documents attract little notice. In Ireland they often had a terrible meaning. The following is a copy of one extensively posted in the neighborhood of Ballyfarnon, near which a man was shot shortly afterwards for having paid his rent:—"Fellow-countrymen, I am informed that the tyrant (the land agent) is going to collect rent on Thursday, the 13th. Death to any one that pays till the suspects are released. Remember Davitt and Parnell. Practice this doctrine. Remember your doom. 'Pay no rent.' RORY OF THE HILLS."

It was rarely the case that an arrest was made though, I am told, the police often knew who the guilty parties were. Evidence and convictions were regarded as quite out of the question. In a few instances, however, the parties pleaded guilty, usually to minor offences or juries convicted, usually where there

was a change of venue. In the debate which occurred on the opening of Parliament in Feb., 1882, Mr. Gladstone reported that Ireland was quieter, that outrages were diminishing slowly but really, that there was not the same violent resistance to the payment of rent as formerly, and that the conviction of some of the perpetrators of crime encouraged the hope that the judicial system of the country had revived. He believed that the Land Act had driven the Land League party to desperation, and that the efforts of the government had broken up the conspiracy against law and property. The reports made at the spring session of the courts showed on the whole a slight decrease in agrarian crimes. But the number of crimes reported was enough to fill the friends of order with apprehension and alarm. Some of those who had placed great confidence in coercion concluded that the plan was a failure and there was a growing demand either for more energetic measures or the abandonment of coercion.

## CHAPTER XIX.

“THE KILMAINHAM COMPACT—RELEASE OF THE SUSPECTS—RESIGNATION OF LORD COWPER AND MR. FORSTER—THE KILMAINHAM LETTER—MR. FORSTER ON IRISH AFFAIRS—MR. FORSTER’S ADMINISTRATION—THE IRISH CELEBRATE THE RELEASE OF THE SUSPECTS.

THERE had for some time been rumors of a change of policy, on the part of the government, of the adoption of conciliatory instead of coercive measures; nevertheless the announcements on Tuesday, May 2, by Mr. Gladstone in the House of Commons created great surprise. Lord Cowper had resigned; directions had been sent to Ireland for the release of Messrs. Parnell, Dillon, and O’Kelly, the three members of Parliament who had been imprisoned since October, and for the examination of the lists of other prisoners with a view of releasing all those who were not believed to be associated with the commission of any crime. Mr. Foster, who had declined to share the responsibility for this action had resigned. Means of strengthening the ordinary process of administering justice were promised, and the renewal of the coercion act to meet the operations of the secret societies might be found necessary. There was no end of rumor and conjecture in regard to the reason for the new departure. Mr. Forster made a speech in the House of Commons giving the reasons for his resignation. He reviewed the grounds on which the suspects had been



arrested; the system of intimidation which they had successfully carried into force, punishing men for obeying the law of the land and for disobeying their own will and unwritten law; the need of breaking up that system; and the present condition of the country, still so disordered as to give cause for apprehension and alarm. He thought these men were still in the same attitude of hostility to the law, and that concessions made to them in their present attitude could not but weaken the government to perform its first duty, to protect life, liberty and property, regardless of threats of violence. Holding these views strongly he could not do otherwise than resign.

"The capitulation of the government" became the theme for Conservative speeches and articles, and when the negotiations of Captain O'Shea became known the cry of "A Bargain With Treason" was raised. The opponents of the policy of conciliation were very emphatic in their denunciations of the course of the government. The resignation of Mr. Forster, his statement in the House and some of the incidents connected with the reading of Mr. Parnell's famous Kilmainham letter called out a great deal of comment. Mr. Gladstone's statement that the release of the suspects was "an act done without any negotiation, promise or engagement whatsoever," "taken by the government on its own responsibility after gathering all the information which it was in their power to extract, either through the medium of debate in this house or by availing themselves of such communications as were tendered to them by Irish representatives, and this without the slightest reference to their previous relations to those Irish representatives, but simply in

connection with what they believed to be the public interest," called forth much vigorous discussion and many violent attacks upon the government.

Mr. Gladstone said that the government had "secured information tendered to them which they deemed to be of great importance, and which justified them in releasing the prisoners." But he refused to explain the character or sources of that information. It afterwards became known that the information referred to was mainly included in a letter which Mr. Parnell had written. Captain O'Shea had been permitted to pay a visit to Mr. Parnell in Kilmainham, and had had a long interview with him. To what extent Captain O'Shea had been in communication with members of the government before seeing Mr. Parnell will probably never be fully known to the public. The next day after his visit to Kilmainham Captain O'Shea called on Mr. Forster and handed him a letter, saying that he hoped it would be a satisfactory expression of union of the Liberal party. Mr. Forster after carefully reading it said:

"Is that all do you think that Mr. Parnell would be inclined to say?"

Captain O'Shea answered:

"What more do you want? Doubtless I could supplement it."

Mr. Forster said:

"It comes to this: that upon our doing certain things he will help us to prevent outrages, or words to that effect.

Captain O'Shea again said:

"How can I supplement it?"

Mr. Forster, who did not feel justified in giving his

own opinion, which might be interpreted to be that of the cabinet, declined to dictate terms, and advised him to show the letter to Mr. Gladstone and one or two others.

In conclusion Captain O'Shea said "that the organization (conspiracy is the word that Mr. Forster says was employed) which has been used to get up boycotting and outrages will now be used to put them down, and that there will be a union of the Liberal party. Details showing how the outrages could be put down were suggested. The letter referred to was read by Mr. Parnell himself in the House of Commons on the 15th of May. It is the most important document connected with the history of the affair, and is as follows:

KILMAINHAM, APRIL 28, 1882.

MY DEAR O'SHEA:—I was very sorry that you had left Albert Mansions before I reached London from Eltham, as I had wished to tell you that, after our conversation, I had made up my mind that it would be proper for me to put Mr. M'Carthy in possession of the views which I had previously communicated to you. I desire to impress upon you the absolute necessity of a settlement of the arrears question, which will leave no recurring sore connected with it behind, and which will enable us to show the smaller tenantry that they have been treated with justice and some generosity. The proposal you have described to me, as suggested in some quarters, of making a loan, over however many years the payment might be spread, should be absolutely rejected, for reasons which I have already fully explained to you. *If the arrears question be settled upon the lines indicated by us*, I have every confidence—a confidence shared by my colleagues—that the exertions which we would be able to make, strenuously and unremittingly, would be effective in stopping outrages and intimidation of all kinds. As regards permanent legislation of an ameliorative character, I may say that the views which you always shared with me, as to the ad-

mission of lease-holders to the fair-rent clauses of the Act are more confirmed than ever. So long as the flower of the Irish peasantry are kept outside the Act there cannot be a permanent settlement of the Land Act, which we all so much desire. I should also strongly hope that some compromise might be arrived at this Session, with regard to the amendment of the tenure clauses. It is unnecessary for me to dwell upon the enormous advantage to be derived from the full extension of the purchase clauses, which now seem practically to have been adopted by all parties. The accomplishment of the programme I have sketched out to you, would, in my judgment, be regarded by the country as a practical settlement of the land question, and would, I feel sure, enable us to co-operate cordially in the future with the Liberal party in forwarding Liberal principles, and I believe that the Government at the end of this Session, would, from the state of the country, feel themselves thoroughly justified in dispensing with further coercive measures.

Yours, very truly,

C. S. PARNELL.

Mr. Gladstone, although admitting that he had seen this letter, asserted that there was not the slightest understanding of any kind. He apparently regarded it simply as information, and the Arrears of Rent Bill, which he introduced the same evening, and the plan of which he said coincided both in its main principles and most of its details with the bill which had been introduced a short time before by Mr. Redmond, and which it was said Mr. Parnell had helped to draw up, as having no relation to a bargain of any sort. Nevertheless there was good ground for the charges repeatedly made. An Irish gentleman who has for many years been engaged in Irish affairs, and has an intimate knowledge of Irish politics and has been associated with Mr. Parnell in many matters, said to me recently in explaining Mr. Parnell's letter and the conduct of the government: "The fact is when Mr. Forster by a tyrannical use of the coercion act broke up the open

organization of the Land League and suppressed open agitation, the Ribbonmen and other secret societies flourished and got a powerful hold on the country, the government was embarrassed, and Mr. Parnell, from Kilmainham, saw that he and his friends were rapidly losing their hold upon the people, and that other leaders were getting a powerful grip on the country. If matters went on in this way it was evident that the Parliamentary party would lose its power. The result was the overtures to the government and the Kilmainham letter."

The news of the release of Messrs. Parnell, Dillon, O. Kelly, and others of the suspects, was received with great rejoicing by their friends in Ireland. The *Freeman's Journal* looked upon it as the beginning of a policy of conciliation that would lead first to important amendments to the land act, extending to leaseholders the privilege of applying to the court for a fair rent, relief for those who were badly in arrears, an extension of the purchase clauses, and more expeditious methods of carrying out the provisions of the measure. It thought there would be "a series of great reforms winding up with the greatest of all—the concession of an Irish Parliament, to control our own affairs." Other papers expressed different views, some of them taunting the government with being beaten in the fight with the Land League, and rejoicing in the triumph of Irish heroes over English tyranny. Others feared and deprecated the defeat of the government by "the anarchic forces of Ireland." Mr. Forster's resignation, too, was received with mingled expressions of approval and dislike. He had been most unselfish and untiring in his efforts to relieve suffering and starvation in Ireland

in the great famine of 1847. Many people remembered his self-denying labors with gratitude. The suffering that he then saw seems to have made a profound impression on his mind, as he has frequently alluded to it since. His appointment as Chief Secretary had been received with general favor. He was recognized as a man of honest purposes and kindly feelings. Baffled at every step by the violent opposition to the government and by the Land League, he resorted to the powerful weapon of coercion which the government had placed in his hands, and used it against many of those who were recognized by the Irish people as their leaders. He broke the power of the Land League, and destroyed the open agitation, but did not stop outrages, and brought upon himself storms of maledictions from a large class of Irishmen. One of them who had an intense hatred of coercion and of Mr. Forster's methods of applying the coercion Act, said to me a few weeks ago, "I respect the motives of the man, however. Few men have ever labored harder, or more conscientiously. He has grown ten years older in twelve months." I saw him in the summer of 1881, and again in 1882, and was struck with the changed appearance of the man. I thought he looked at least five years older.

In many parts of the country there was great rejoicing on the release of the suspects. Bonfires were lighted and meetings were held to express the joy of the people. One of the songs much used to express the popular feeling was an adaptation of Moore's "Sound the Loud Timbrel,"—beginning,

"Sound the loud timbrel o'er Ireland's blue sea,  
The Land League has triumphed, the suspects are free."

Even landlords and agents in some instances rejoiced at the prospect of the no-rent days passing away. There were many others who regretted the action of the government, believing it would, in the end, encourage unlawful agitation and violence, and be regarded by the lawless classes as a victory for them. The outrages did not cease. The secret societies had gained too much power in the interval, and were not at all disposed to accept conciliation, which meant death to them.

## CHAPTER XX.

THE ASSASSINATION OF LORD CAVENDISH AND MR. BOURKE—VARIOUS THEORIES IN REGARD TO THE MOTIVES OF THE ASSASSINS—INDIGNATION IN IRELAND—THE LAND LEAGUE DENOUNCE THE CRIME—DEMAND IN ENGLAND FOR A NEW MEASURE OF COERCION—THE PREVENTION OF CRIMES ACT—TRIAL WITHOUT A JURY, BY A COURT OF SPECIAL COMMISSIONERS—SPECIAL JURIES—CHANGE OF VENUE—INTIMIDATION DEFINED AND PROVIDED FOR—SUSPICIOUS STRANGERS THE CURFEW CLAUSES—THE ALIEN ACT—THE IRISH PARTY IN PARLIAMENT OISTRUCT THE BILL, AND ARE SUSPENDED—IRISH JURIES.

THE appointment of Earl Spencer to succeed Lord Cowper and of Lord Cavendish, in the place of Mr. Forster, was received with a good deal of favor. It was understood that Mr. Gladstone himself would exert a more direct influence on Irish affairs, and that his well known views and theories in regard to conciliation and government in accordance with the ideas of the people themselves, might have a practical application and a wholesome effect. The secret societies, however, saw that their power would soon melt away, if the discontented tenants were quieted by the proposed relief from the heavy arrears of rent which the new bill would give if it became a law.

They clearly perceived, too, that if they were not able to raise the cry of tyranny and oppression, in view of the imprisonment without trial of large numbers of leading Irishmen, that their influence would be greatly diminished, both in this country and at home.



They were greatly exasperated, seeing that Mr. Parnell and the others who had furnished them their most powerful arguments against the Government, would now resume their places, not only as active leaders of the people, but also as supporters of the Government. In their desperation they resolved to resort to the most extreme measures to break off the relations of Mr. Parnell and his party with the Liberals, and to force the Government back to a policy of coercion. So the dreadful murder of Lord Cavendish and Mr. Bourke was planned. On the 6th of May, only the day after he had been sworn into office, Lord Frederick Cavendish, the Chief Secretary, and Mr. Bourke, the Under-Secretary, were assassinated in Phoenix Park. The victims, who had been engaged all day in the Castle upon business mainly connected with the release of the suspects, were walking in the park, near the viceregal lodge, about half-past seven in the evening, when they were attacked by four assassins with daggers, and stabbed and cut in a most horrible manner, so that death resulted within a few minutes. The assassins jumped on a car and drove rapidly away. Although a number of persons saw that there was some disturbance, no one seems to have realized what was going on except those engaged in the tragedy and their accomplices. That the murderers should have escaped in open day, with so many people coming and going in the Park, and that the most careful investigation since should have failed to discover them, is a matter that has excited much surprise and comment.

The air was of course full of all sorts of rumors with regard to the assassins, and their purposes. The Land League was charged with the murder. It was

on the other hand declared that it must have been the landlords, and an attempt was made by some of the extreme anti-landlord papers to show that the responsibility rested with them. That the violent agitation that had existed for many months was indirectly the cause of the deed, is, I think, beyond a doubt. Very few seriously thought of blaming prominent Land Leaguers with being directly responsible. I have talked with numbers of men who have lived all their lives in Ireland, and are very familiar with Irish affairs, and have found that those most likely to know about such matters, attribute it without doubt to some one of the secret societies.

An Irishman who has lived many years in Dublin, and is well acquainted with the feelings and characteristics of all classes, said to me in reference to the murder, "For several days I felt that something horrible was being planned. It was in the air. I feared that Mr. Gladstone and Mr. Parnell might both be the victims. The blow fell, and the victims were Lord Cavendish and Mr. Bourke."

Both were men of high personal character. Lord Cavendish had many warm friends, and was recognized as an earnest and very successful man. His speeches in Parliament were few, on account of a slight impediment in his speech. Educational matters interested him most. For two years before his appointment as Chief Secretary for Ireland, he had been Financial Secretary of the Treasury. Mr. Bourke had for a long time been employed in the Chief Secretary's office in Dublin Castle. He was private secretary to Lord Carlingford, Sir Robert Peel, and Lord Hartington, when they were Chief Secretaries

for Ireland. From his position he was often called upon to represent the Chief Secretary, and as the transaction of much of the business of the Irish Office devolved upon him, he naturally came in for a share of abuse when the Government had resort to unpopular measures or methods. He was, however, regarded by most of those who came in contact with him as a man of a sensitive and highly honorable disposition.

The assassination of Lord Cavendish and Mr. Bourke called forth expressions of the deepest sorrow and indignation among the English people. Mr. Gladstone and the government were blamed for their new policy of conciliation toward a people who met offers of peace and concord with murderous violence. Wholesale charges were made against the Irish people; there was a great demand for the strict enforcement of the law. Violence and murder must be put down at whatever cost. It would have been extremely difficult for the government to have resisted the pressure brought to bear upon it from many quarters to bring in a new and strong measure of coercion. Mr. Gladstone had in announcing the practical abandonment of coercion said, that the government intended to present a measure for strengthening the ordinary processes for administering justice, and might find it necessary to reenact the coercion act in order to cope with the secret societies. The new measure, however, was much more severe and far reaching than the *Coercion Act* of 1881, and raised a great outcry among the Irish people and excited the determined opposition of the Irish Parliamentary party.

The reaction in Ireland caused by the introduction of this measure was certainly most unfortunate. When

the assassination occurred, there was a great outburst of feeling throughout the country against the dreadful crimes. The feeling seemed genuine and was wide spread. The leaders of the Land League issued a manifesto expressing their profound sympathy with the Irish people in the great calamity, and appealing to them to express their detestation of and horror at the atrocious crime. "We feel," they said, "that no act that has ever been perpetrated in our country during the exciting struggles of the past fifty years, has so stained the name of hospitable Ireland as this cowardly and unprovoked assassination of a friendly stranger."

An incident is related which illustrates the extent and intensity of this feeling. A car driver, who resembled the description given of one of the assassins, was seized by a crowd of the common people, dragged to the Castle, and given up to the police. Public meetings were held in many parts of the country, and speeches made and resolutions adopted, expressing horror and indignation at the atrocity. For a time the lawless class, who delight in murder, was compelled to be quiet. Some of the Fenian organs in this country, however, expressed their approval of the crime. They regarded it as a part of the war against English power and English tyranny, an execution, rather than a murder. How soon the feeling of indignation in Ireland would have subsided if left to the influence of natural causes, is a question. Large numbers of the people there have for years refused to give evidence to the courts or government in cases of outrages against the landlord classes. It is not likely that with the general habits of thought and feeling among

the discontented Irish, this profound feeling of indignation at the murder of men who represented the government, would have been permanent or very lasting. Nevertheless, it is a pity that it could not have been used to arouse in some degree at least the public conscience against murder and atrocious crime, and to enlist the sympathies of the people in behalf of law and order.

The opponents of coercion declared that the new measure was "the worst and most desperate enactment of its class ever conceived in the gloomy annals of despotic times." Undoubtedly it gives the government very extraordinary powers. Its preamble declares that by reason of the action of secret societies and combinations for illegal purposes in Ireland, the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose. The act differs essentially from the coercion act of 1881 in aiming not at the arrest and imprisonment of those suspected of crime, but at the detection, conviction, and punishment of the actual criminals. It provides for the appointment of special commissioners for the trial of persons arrested for treason or treason felony committed after the passing of the act, murder or manslaughter, attempt to murder, aggravated crime of violence against the person, arson, and attacks on dwelling houses.

Whenever it appears to the Lord Lieutenant that in the case of any person committed for trial for any of these offenses, a just and impartial trial cannot be had according to the ordinary course of law, the Lord Lieutenant may assign to a court of spe-

cial commissioners the duty of sitting at the place named in the warrant and without a jury, hearing and determining according to law the charge made against the person. The special commission court shall consist of three judges of the Supreme court of Judicature in Ireland. The trials are to be conducted in open court and the accused shall be acquitted unless the whole court concur in the conviction. Any person convicted may appeal to the court of Criminal Appeal, which shall have power to confirm, set aside, or modify the sentence of the special commission, but cannot increase the penalty. The court of Criminal Appeal shall consist of not less than five of the judges of the Supreme court of Judicature in Ireland. This provision for trial without a jury aroused great opposition on the part of a number of the Irish members.

The law also provides that where the trial of a person charged with an indictable offense would otherwise have been had by a jury before some court other than a court of general or Quarter Sessions, the Attorney General for Ireland or the person charged may on serving the prescribed notice in the prescribed manner require, that the jury shall consist of special jurors chosen in the manner provided by the Juries Procedure (Ireland) Act, 1876.

On application by the attorney-general an order is to be granted directing that a person charged with an indictable offense shall be tried in some county other than that in which the offense was committed. The offenses against the act, as defined in part third, indicate the purpose of its authors to put down boycotting and punish the lesser acts of violence that have been of so frequent occurrence. Intimidation is declared to be an

offense against the act, and to indicate any words spoken or act done in order to put any person in fear of any injury or danger to himself or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business or means of living. Besides acts of violence, the taking part in any riot or unlawful assembly, or taking or holding forcible possession of any house or land within nine months after the execution of any writ or decree for possession of the same, are declared, when in proclaimed districts, to be offenses against the Act. Membership of unlawful associations or taking part in the operations of such meetings, are also defined to be offenses. Provision is made to prevent public meetings which the Lord Lieutenant may consider "dangerous to the public peace or public safety."

The eleventh section, known as the Curfew Clause, has attracted considerable interest. It provides that in a proclaimed district if a person is out of his place of abode at any time after one hour later than sunset and before sunrise under circumstances giving rise to a reasonable suspicion of a criminal intent, any constable may arrest that person and bring him forthwith before the nearest justice of the peace, who may, upon inquiry into the circumstances of the case, discharge him, commit him to prison, or require him to give bail for his appearance before a court of summary jurisdiction. If this court believes that he was out not upon some lawful occasion or business, he shall be guilty of an offense against the act, but the term of his imprisonment shall not exceed three months. Another clause of the act provides for the arrest of any stranger found in a proclaimed district under circumstances giving rise to a reasonable

suspicion of criminal intent. The justice of the peace, if satisfied after inquiry into the circumstances of the case, that the stranger has not a lawful object in the place, may require him to give security for his good behavior for a period of six months.

The Act gives the Lord Lieutenant power to seize all copies of any newspaper appearing to him to contain matter inciting to the commission of treason, or of any act of violence or intimidation. He is also given the power to direct the search for and seizure, in any proclaimed district, of any arms, ammunition, papers, documents, instruments or articles suspected to be used, or intended to be used, for the purpose of, or in connection with, any secret society or secret association existing for criminal purposes. Resident magistrates have very extensive powers in respect to summoning and examining witnesses, and even when no person is charged with a crime, may summon before them and take the depositions in regard to the offense of any such persons as they may think able to give material evidence; and such persons are not excused from answering any question on the ground that such answer may tend to criminate themselves. One of the most important provisions gives the Lord Lieutenant power to require the district in which anyone has been murdered, maimed or otherwise injured in his person, if it appears that such murder, maiming or injury is a crime of a character commonly known as agrarian, or has arisen out of any unlawful association, to pay to the personal representative of the person murdered or to the person maimed such damages as the Lord Lieutenant may think just. There are numerous other provisions regulating the modes of procedure, the



penalties affixed to the crimes, the constitution of the special commissions, and other matters of minor importance.

The revival of what is known as the Alien Act, by which, under certain conditions, aliens are required to "depart the realm" within a limited time, may prove a matter of importance to American citizens traveling in Ireland and taking an active interest in Irish affairs. The prevention of Crimes Act and the portion of the Alien Act that has been revised are printed in full in the Appendix.

The Irish Parliamentary Party opposed by every method in their power the passing of this Act. They resorted to their old tactics of obstruction, and it was only by the use of extraordinary powers on the part of the Speaker that the measure was finally passed. Dr. Lyon Playfair, Chairman of Committees and Deputy-Speaker, named sixteen of the Irish members as guilty of systematic obstruction, and they were, on motion, immediately suspended. The incident was one that attracted considerable attention on both sides the Atlantic. In view of the urgent necessity of the measure, in the opinion of the Government, and of the persistent opposition to it, an all night session was held, the members of the different parties dividing themselves into relays, and thus getting rest without interrupting the debate by an adjournment. The Irish Parliamentary Party adopted the same method. At a quarter past nine o'clock the next morning, Dr. Playfair said "he had been painfully impressed with the manner in which the business of the committee had been conducted. The Bill had now been in committee twenty-three days, and for that particular clause nineteen hours

had been occupied. A limited number of members had systematically frustrated the progress of business by a mass of amendments, some of which were practical and fair, but of which by far the greater part were only intended to raise, by new forms, questions which had already been decided by large majorities. These amendments had been made the occasion for endless arguments, and were evidently deliberately planned in order to waste time. He now thought that the time had come when, if the committee was to carry on the duty entrusted to it, it must protect itself by the rules of the House provided for cases of deliberate obstruction. Since he had been in the chair, deliberate and planned obstruction had existed in the committee, and he might soon have to name the persons who, in his opinion, had been engaged in this systematic obstruction."

A few minutes later, the Irish members whose turn it was to be present at that time were named and suspended. Two of these members who were not in the House at the time, and their friends, afterwards severely attacked the Speaker for his action, and the question was brought up and discussed with not a little feeling.

Several of the remaining members of the obstructing party were suspended a few hours later, and the Bill was thus forced through the House in the enforced absence of twenty-five of the one hundred and three Irish Members. These members claimed that this despotic measure was passed only by first suspending the Irish representatives, and their action in resisting to the bitter end the tyrannical powers of the Government won them increased glory at home.

The greatest opposition was manifested to the proposal to take away, in certain cases entirely, the right of trial by jury. This was subsequently modified so as to allow the accused, or the Attorney-General, to choose a trial by a special jury, the Attorney-General having the additional right to change the place of trial from the county where it would ordinarily be held. Thus the local influence and sympathies with the prisoner, and the danger of harm to the witnesses and jurors would not be so great, and convictions would be more likely to occur. There would, besides, be a much better class of men on the jury.

Trial by jury has long been considered one of the great bulwarks of English liberty, and any suggestion of abridging the right has met with great opposition. It was natural, therefore, that the Irish members should deprecate the proposal of the Government to substitute trial by judges. Any one who has any knowledge of the history of agrarian outrages in Ireland, and has watched the proceedings in the Irish courts, can scarcely fail to be convinced that some substantial modification of the jury system was necessary in order to cope with crime.

The poet Spenser, who was familiar with the workings of the courts, writing in 1596 in reference to the evils of the laws in Ireland, mentions the trial by jury as a source of injustice where the matter is one between the crown or an Englishman and an Irishman. "Most all the freeholders of that realme are Irish, which, when the cause shall fall betwixte an Englishman and Irish, or between the Queene and a fre-holder of that country, they make no more scruple to pass against an Englishman and the Queene, tho it be to strayne their

oths, then to drink milk unstrayned, soe that before the jurye go together it is well knowen what the verdict will be." He also shows how the accused, having "thirty-six exceptions peremptory against the jurors," and thereby excluding honest men, "may acquit himself of the crime." "Then will he plague such as were brought first to be of his jurye, and all such as made any party against him, and when he comes forth, he will make theyr coves and garrons walke, yf he doe no other mischief to theyr persons." \*

There is apparently a growing distrust in this country to trial by jury as at present conducted. The character for sagacity and intelligence of some of the juries called to decide most important matters, the method of "jury fixing" said to be in vogue in some of our cities, and the remarkable verdicts sometimes rendered, have led not a few people to the conclusion that justice is more likely to be done before a bench of judges than a jury. The Irish judges themselves protested against the substitution of a Court of Special Commission for the ordinary process. The change of venue and special jury have met with much more favor than trial by special commissions.

\* "View of the Present State of Ireland."

## CHAPTER XXI.

THE ARREARS OF RENT ACT—MANY TENANTS DEEPLY IN DEBT TO THEIR LANDLORDS—CONDITION OF THE SMALLER TENANTS IN THE WEST—THE GOVERNMENT PROPOSES A GIFT TO CERTAIN TENANTS IN ARREARS AND A LOAN TO OTHERS—THE MEASURE IN PARLIAMENT—PROS AND CONS.

ALONG with the Prevention of Crimes Bill the government introduced a new measure of relief and concession. A year earlier, when the Land Act was under consideration, it was urged that a large number, of the tenants, particularly in the South and West of Ireland, were so deeply in debt to their landlords that it would not be possible for them to apply for the benefit of the Act. I have already referred frequently to the fact that numbers of the Irish tenants are always greatly in arrears for their rent, and to some of the reasons for non-payment. High rents, careless business habits sometimes of both landlord and tenant, the forbearance of the landlord, the custom of the hanging gale, the fact that so many tenants with large families have very small holdings on which it is barely possible for them to maintain an existence, the partial failures of crops, thriftlessness and idleness in some cases, and recently the resolution to pay no rent and to enforce the "no-rent-while-the-suspects-continue-in-prison" manifesto, have all contributed to put tenants hopelessly in arrears. In some of these cases the tenants

themselves have been greatly at fault. In others, they are the victims of misfortune, or of a bad system

When we consider the condition of many of the smaller Irish tenants, their history, traditions, hatreds, habits of thought and feeling, the stories and experiences of want and distress with which they are familiar and the suffering that actually threatened them when the recent agitation began, we shall not be surprised that many of them joined the no-rent movement, that the proposition to provide for their families first and pay the landlord what was left, was popular, and that later on when the men whom they had trusted as leaders were arrested, they should take the advice of those leaders, and refuse entirely to pay rent. Not a few of the tenants got greatly in arrears by following this advice. Some of them followed the advice willingly, others under strong pressure from their neighbors and threats of violence. The long catalogues of crimes committed in Ireland during the past two years bear witness to the danger of paying rent. In many cases a tenant who had plenty of wants and little money to supply them spent in other ways the money that but for the no-rent movement he would have used in paying his rent, and when he came face to face with eviction found that he had no money. He was to blame, I admit, but in estimating his conduct we must modify our censure in view of the special and peculiar circumstances and conditions of his life.

The Land Law of 1881 had made provision for relieving these tenants who are in arrears on certain conditions. It had offered on the joint application of landlord and tenant in cases where the annual value of the

holding was less than thirty pounds and the tenant had satisfied the landlord for the rent of the previous year, in which there had been a good crop, to advance a sum not exceeding one year's rent or one-half the antecedent arrears and allow it to be repaid in half-yearly instalments extending through fifteen years. The landlord had to unite in the application, the tenant's rent was increased and the landlord was made responsible for the payment of this rent charge, which he had to collect from the tenant as an addition to the rent. If the tenant did not pay the rent, the landlord was all the same responsible for the instalments of the loan. The clause expired on the 28th of Feb., 1882, in the very midst of the no rent war, very few applications having been made under it. It will be remembered that Mr. Parnell called attention repeatedly to the probable failure of the Act as it passed to relieve these small, deeply-indebted tenants.

The Bill introduced by the government to meet these cases provides in some cases a gift, in others a loan, to meet the arrears. Where the tenancy is one to which the Land Law of 1881 applies and the annual value not more than thirty pounds, the rent for the year 1881 been satisfied, antecedent arrears still due and the tenant unable to discharge them without loss of his holding or deprivation of the means necessary for its cultivation, the Land Commission may on application of the landlord and tenant, or either of them, pay to the landlord a sum equal to one-half the arrears, provided such sum is not greater than the previous year's rent. All the antecedent arrears shall then be "released and extinguished." If the tenant sells his tenancy within seven years, a portion of the "extinguished" antece-

dent arrears, not exceeding one years' rent or half the value of the tenancy, shall be paid the landlord out of the proceeds of the sale. The Commissioners may so far as they think reasonable in considering the ability of the tenant to pay, take into account the value of his interest in the holding.

In these cases it will be observed that the landlord's consent is not necessary. The sum advanced is a gift. There is no increase of rent. The remaining antecedent arrears are totally extinguished, except where the tenancy is sold within seven years. Where a tenant is hopelessly in arrear it is to the landlord's as well as the tenant's interest to make application under the Act, for in that case the landlord will get a year's rent, where otherwise his chance of getting anything would be slim. The trouble and expense of evicting tenants are very great in comparison with the rent of some of the small holdings, so that on general principles the landlords would probably prefer to settle with their tenants and start anew.

There is also provision made for a similar gift where a tenant has been evicted for non-payment or his interest sold to the landlord for arrears of rent, and the landlord unites in making the application, agreeing to reinstate the tenant. A tenant who has been evicted for non-payment of rent and is entitled to apply for reinstatement, in accordance with the Landlord and Tenant Law Amendment Act of 1860, may also apply for a gift and stand on the same footing as if he had not been evicted.

It was strongly urged by many that the money ought to be a loan, and a voluntary matter on both sides instead of a gift, and compulsory on application of one



of the parties. This proposal was in part met by the Act. There is a provision applying to holdings whose annual value does not exceed fifty pounds, and permitting on application of both parties where the preceding year's rent has been satisfied and antecedent arrears are due, an advance to be made not exceeding half the antecedent arrears, or one year's rent to be repaid in half-yearly instalments of five pounds per hundred per year for thirty-five years. The poor rate collector is assigned the duty of collecting these instalments. The administration of the Act is entrusted to the Land Commission, and an additional Commissioner, Viscount Monck, appointed. Applications under the Act must be made before the end of the year 1882, unless by special permission of the Commissioners. There is also a provision to aid indigent persons desiring to emigrate.

Against the principles of such a measure there are obviously very grave objections. No one saw this more clearly than Mr. Gladstone. In introducing the measure, he said: "It is a subject of the utmost difficulty, and the precedent which it establishes is of so grave a character that nothing but a very strong sense of public necessity ought to induce us to meddle with it."

The opponents of the government were not slow in finding the weak points of the bill. The assertion that the church temporalities fund would be far from sufficient, and that the pockets of the English taxpayers would be drawn on largely to meet the expenditure, was supposed to be a powerful argument against it, and was constantly referred to. "The English farmers, too, had had hard times; they, too, had suffered from bad crops,

'American competition,' and other causes ; some of them were deeply in debt and in need of relief ; others by close industry and economy had paid their rents. Should these honest, hard-pressed men be taxed to pay the debts incurred by those who refused to pay rents justly due in obedience to the mandates of an association that had declared war against the property holders in Ireland ; that had urged men to break their contracts, and induced them to resort to acts of lawlessness and to murder ?"

It was said, on the other hand, that the money of the Church Temporalities Fund belonged by right to the Irish people, and it was only fair that it should be used for their benefit. Here was a great crisis ; great suffering and privation caused often by misfortune, and greater distress threatened if the deeply indebted tenants were turned out ; with the distress crime would increase, as would pauperism and the poor tax, embarrassing some who were barely able to meet their engagements. The Church Fund would meet the greater part of the expense. The tax on the English farmer would be so slight as to be inappreciable.

Against the measure it was argued that it was " the worst sort of policy to give men money outright to pay what they had fairly contracted to pay, and would in many cases have paid but for their own indolence or the wicked advice of bad leaders. Such gifts encouraged men to be dishonest, to delay paying their debts, to become more and more dependent on charity. They discouraged honesty, for the tenant who worked hard and lived frugally in order to pay his rent found that his thriftless, or indolent, or dishonest neighbor, who had run deeply in debt, received a gift to enable

him to start even again." Besides, the landlord said "Why should the government destroy my property? Those arrears of rent are property; can be sold in the market. If a tenant owes me two years' rent, which he has promised to pay, which is a fair, honest rent, which he could have paid had he been honest and faithful to his engagements, instead of obeying the dictates of the lawless element, why should the government compel me to cancel one year's rent?" It was not necessary that the tenant should be absolutely unable to pay; if he were unable to pay "without the loss of his holding or deprivation of the means necessary for the cultivation thereof" he could obtain the grant, compel the landlord to accept it, and to relinquish all claim to the balance that he rightly owed and could pay. Other men who got in debt were compelled to sell their property, if necessary, to meet their engagements. Why should the tenant's interests alone be excepted in case of this one class of debts from the operation of the regular laws of business? The great majority of these tenants were deeply in debt to the shopkeepers and money lenders—"the gombeen men"—both of which classes had in many cases been far more extortionate than the landlord. Why should their debts be paid and the landlords be forgiven? In answer to the argument that the bill would prevent evictions and enable the tenants to retain their holdings, it was forcibly argued that this would be the very worst thing for many who had very small or poor holdings on which it was absolutely impossible for them to live decently, and from which they must ultimately be forced by want. It would be far better to help them to change their place of abode than to encourage them to try to

live where there was no hope of their maintaining themselves and their families, excepting in the most abject poverty and privation.

The great need of the people, the distress and consequent crime, the attachment of the people to their homes, humble as they were; the fact that the rents had often been high in these poor districts; the failures of the crops that had caused a great majority of the cases of distress; the great desirability of giving this large class of people an opportunity to start again with a clean score, the fact that in some perhaps the majority of cases the landlord would gain instead of lose; these and other arguments were brought to support the measure, and the bill became a law. Many of the Irish members declared that the measure would do more to pacify Ireland than many Coercion Acts. The House of Lords undertook to amend the measure, and there was the usual talk of a crisis. The changes made in consequence of the Lords' amendments were not very important. The bill became a law in substantially the same form as it left the lower house.

## CHAPTER XXII.

THE APPLICATION OF THE PREVENTION OF CRIMES ACT—SPECIMEN CASES CITED—JUDGE LAWSON PROPOSES TO INTERFERE WITH THE "FASHIONABLE PURSUIT" OF "MOONLIGHTING"—THE CONVICTION OF HYNES—MR. GRAY IMPRISONED FOR CONTEMPT OF COURT—ENGLISH TYRANNY DENOUNCED—THE MURDER OF THE JOYCE FAMILY—CONDITION OF IRELAND IN AUGUST AND SEPTEMBER, 1882—OUTRAGES DIMINISHING—BOYCOTTING IN TIPPERARY—"I'D RATHER BE DEAD THAN BOYCOTTED."

THE Prevention of Crimes bill became a law July 12th, 1882, and was immediately put into operation. The districts in which the most disorders had arisen were proclaimed and a number of arrests promptly made. The government was apparently anxious to cause as little irritation as possible to the mass of the people who were assumed to be law abiding, and at the same time to break up the power of the secret societies. A number of arrests of "suspicious characters" who turned out to be very innocent persons, caused some complaint and apprehension. I was warned again and again by my Irish friends that I would pretty certainly be arrested if I went abroad in Ireland without an official passport. I did not, however, suffer any inconvenience either from the police or the "moonlighters," against whose operations I had also been repeatedly warned. All classes treated me with politeness and courtesy. It would no doubt have been easy to have acted in such a way as to have ac-

quired practical experience of the working of the new law.

The extraordinary powers granted by the Act for the arrest, conviction, and punishment of outrages caused alarm among some of the dangerous characters. Scarcely had the bill become a law when some of the most desperate of the criminal class left the country, it was thought, through fear of arrest. The police in many of these cases knew the criminals, but evidence and conviction had before been impossible. It was now pretty certain that both could be had.

The first trial under the act occurred in Dublin, Aug. 10th, before Justice Lawson. Four "moonlighters" who had been brought to Dublin under the certificate of the Attorney General from county Kerry, were put upon trial before a special jury. For many months Kerry had been one of the most disturbed counties in Ireland. In July, 1881, I visited Tralee, the capital of the county just after the court had adjourned. A number of persons had been tried for crimes of violence. In some cases the evidence was of the most conclusive character. The juries either acquitted or failed to agree. The Judge had severely commented on the action of the juries and was apparently in despair at the prospect of a reign of lawlessness. Outrages of some sort were perpetrated in the neighborhood nearly every night. There was no security for the peaceful, law abiding people who refused to obey the mandates of the Land League. There certainly was need of doing something to vindicate the majesty of the law in Kerry. It was, therefore, not without significance, that the first cases brought up for trial under the new act were Kerry "moonlighters."

The accused were charged with going at night to the house of a woman, breaking into the house, making the woman swear she would pay no rent and taking away all the arms and ammunition they could find. They then proceeded to visit other houses in a similar manner. The police had gotten wind of their operations and captured four of the party. Documents tending to prove that the persons arrested belonged to a secret organization that was collecting arms and planning some sort of an outbreak were found in their pockets. Witnesses testified that the accused were young men of good families and good character. They were certainly not of the poverty stricken and distressed class. The jury brought in a verdict of guilty. The judge in sentencing the prisoners commented on the state of the country, called attention to the practice of armed bands particularly in Clare, Cork and Kerry, making midnight visits, seizing arms and compelling people to swear not to pay rent, and in case of refusal, inflicting dreadful injuries, and declared his determination to make "moonlighting" in future a less fashionable pursuit in Cork and Kerry. He sentenced the "captain" of the party to fifteen and the others to ten years penal servitude.

The trial and conviction of Francis Hynes for the murder of John Doloughy, became famous because of the arrest and imprisonment of E. D. Gray, High Sheriff of Dublin, in connection with it. The murdered man had been in the employ of a man who had taken a farm from which Hynes had been evicted two years before, and had not been on good terms with the latter, having recently bound him over to keep the peace. The evidence was purely circumstantial but very

strong, and the accused was convicted. The party of violent measures began to be greatly alarmed at the prospect of the speedy conviction of numbers of those who had committed outrages. This party had been most violent in its criticism of the bill, and made every effort to discredit it and arouse the hatred of the people against it. They grew desperate on finding it likely to prove effective. It was charged that the jury had been packed and guilty of disreputable conduct. The *Freeman's Journal* published a letter from William O'Brien, Editor of *United Ireland*, the organ of the Land League, asserting that he had slept in a room in the same corridor in the Imperial hotel that the jury occupied, that he was aroused from his sleep shortly after midnight by the noise made by a number of drunken men in the passage, and that he ascertained afterwards that these men were the jurors in the case of the *Queen vs. Hynes*.

There were also in the same journal editorials charging that the jury had been packed by excluding Catholics. Mr. Gray, proprietor of the journal, was summoned before the court, and, after a hearing, was sentenced for contempt of court to three months imprisonment, a fine of £500, and to give security in £5000 to be of good behavior and to keep the peace for six months. In commenting on the case the Judge said, "Am I to sit here and tolerate that public jurors are to be held up to execration for simply doing their duty? I see perfectly well the design of these articles. It is to endeavor to destroy in the public mind the moral effect of these convictions and to interfere with the trial of prisoners yet to be tried, and to prevent jurors from bringing to the discharge of their duties



that free and unfettered judgment, that judgment free from alarm and trepidation which every man ought to have when he comes to discharge his duty."

The action of Judge Lawson was evidently intended to break the force of the attacks on the new methods of trial. It however brought upon him a storm of abuse, and made Mr. Gray more popular than ever with his party who could not find words strong enough to express their censure of the peremptory action of the court. It was declared to be another evidence of English tyranny, and the entire suppression of freedom of speech. Even many of those who did not sympathize with Mr. Gray, criticised severely the course pursued in sending him off to prison in so summary a manner. It was certainly unfortunate that resort to such summary process should have been necessary at a time when of all others the government was anxious to array as many as possible of the people on the side of law and order. At the same time it can not be denied that the attempt to disparage the new methods of procedure, and to prevent convictions under them, was in a high degree exasperating to the government, and exceedingly culpable in the persons engaged in it. The energetic action of the court probably convinced a great many people who were anxious to see order restored, but who had little confidence that the government would use vigorous measures and seriously grapple with the lawless violence, that there was a determination to enforce the law, and bring criminals to justice.

Some of the other cases tried at the same sessions illustrate the condition of the country, and the operation of the new Act. Three young men were tried for

beating a man with intent to murder him. He had taken a small holding that was claimed by some one else. They with two others, all armed with heavy sticks and iron bars, beat him for a while, and then ran away on fearing an alarm had been raised. Finding they were not pursued, they returned, renewed the attack, and left him for dead. The three were sentenced to penal servitude, their terms being respectively ten, fifteen, and twenty years.

In another case three men were tried for threatening to kill a woman who had given information in regard to the murder of her husband. The ringleader, on hearing his sentence to seven years' penal servitude, is reported to have said, "I would bear much more for old Ireland any day." No matter what may be the character of the crime the criminals seem to believe it to be done for the sake of Ireland, against the alien government.

These will serve to illustrate the character of the more important cases brought before the court. Of the first eighteen prisoners tried by these new methods of procedure, sixteen were convicted. One case was postponed, and in one case the jury disagreed. However objectionable some of the features of the new law may be, it can hardly be doubted that these convictions will have a salutary effect on the country. Twenty years' penal servitude or the gallows will make even the most violent men pause. Where men were arrested under the Coercion Act of 1881, and imprisoned for a few months, they were regarded as heroes and martyrs. Some of them gained not a little capital by a short imprisonment of a not very terrible character. Stories were told, it is true, of hardship and suffering in prison.

An "agitator" read me a long letter that he had received 'by way of the back stairs' from an imprisoned suspect, detailing his sufferings and bad treatment. The latter seemed from his letter to be due in part to his trying to annoy and excite the suspicion of the guards. Suffering certainly was often caused by the confinement. In most cases, however, the prisoners fared fairly well at the hands of the government and outside friends. The new measure will enable the government to fine and punish the guilty in a speedy and effective way.

The law did not however stop crimes at once. While these first trials were going on, some terrible outrages were perpetrated. One of the most frightful was the murder of the Joyce family, in a wild and lonely valley in Galway, not far from the famous old ruins of Cong Abbey. The house was one such as a traveler often sees in the West of Ireland. There was no window or chimney, and scarcely anything that could be called furniture. Five of the six members of this family were murdered in a most frightful manner, the assailants entering the house at night, and doing their bloody work with bludgeons and revolvers. The reason for the deed is said to have been that the family were suspected of having given information in regard to the murder of Lord Ardilaun's bailiff. The frightful character of the act aroused the indignation even of many who had apparently sympathized with the perpetrators of lesser outrages, and persons came forward voluntarily to give information against the murderers.

Notwithstanding a few conspicuous examples of crime, outrages are now admitted to be on the decrease.\* It is too much to expect that secret oath-

\* The total number of outrages reported for August, 1882, the first

bound societies that have flourished for years, and had the upper hand in some parts of Ireland for months, will be broken up in a day. The process may require years. If the Arrears of Rent and Land laws are found to give general relief, a great power will be taken away from these organizations. It is, however, a mistake to suppose that only the destitute, or those threatened with want take part in them. The distress and danger of want and suffering have given them a more powerful hold on the country, and enabled them more successfully to recruit their ranks. Many of the outrages are said to be planned in the neighborhood, but committed by persons hired from a little distance. Where landlords or agents are shot, the whole neighborhood often knows of it beforehand. Subscriptions are sometimes taken up to defray the expenses. A gentleman who knows parts of the country and many of the people intimately, said to me, "A subscription has been taken up in this parish to shoot Mr. ——. There was a subscription of £50 taken to shoot Mr.——'s agent, but I think now he'll not be shot, as he has compromised with them." The great majority of the outrages are not against the landlords but against tenants who have paid forbidden rents, or taken farms from which others have been evicted. Some of the government officials rely a good deal on the provision for levying on the dis-

month under the Prevention of crimes Act, was 164. Of these one was murder, six were firing at persons, six firing into houses, two aggravated assault, eleven killing, cutting, and maiming cattle eighty-three threatening letters and notices, ten intimidation. In January, 1882, the number of outrages reported was 479, in February 407, in March 531, in April 462. The decrease is therefore very marked. I was told that the people were too busy with the harvesting to engage on "moon-lighting" on an extensive scale. The recent reports, however, indicate that there has been no increase since harvest.

tricts in which the crimes are committed, damages to be paid to the victims or their friends. "A few years ago," a government officer said, "there was a similar provision, and instances were known where the people met to discuss the shooting of some one, and gave it up because they could not afford it." He told of one such meeting at which the obnoxious individual presented himself, and advised the conspirators to do the proposed deed. "I am more than sixty years old," he said, "and can only live a few years more at most. If you kill me, my family will get a sum of money that will be a much greater benefit to them than any that I can confer." They concluded that they couldn't afford to pay the bill.

The claims for damages under the Act range from small sums for slight injuries to £20,000 for murders, and have already filled the people in some parts of the country with alarm and consternation. There is no escape from payment when once the damages have been levied, as the money is collected by a summary process. It is a barbarous but an effective provision.

Boycotting is still carried on vigorously in some places. In the early part of August, 1882, on a visit to County Tipperary, I found several families in a small village whose neighbors would not speak to, or have any dealings with them. They could get nothing to eat at the shops. Licensed sellers of spirits were, however, by the terms of their licenses, compelled to sell them drinks, which seemed to mitigate the sorrows of some of them not a little. The offense of these people was that they had paid their rents when ordered not to do so. In that section the tenants insisted upon Griffith's valuation. If a single tenant's rent on an estate was above that standard no one was allowed to

pay. A farmer might have a low rent, might be willing and anxious to pay, and yet be sure of incurring the displeasure of his neighbors, and probably receiving visits from "Captain Moonlight," and sustaining severe injuries, if he paid. If he did not pay, the prospects were that he would be evicted, and forced, ultimately, to leave the country. A large number of families in some parts of Tipperary would, it was said, be forced in this way by their neighbors to emigrate. "They'd rather go than be boycotted; I'd rather be dead than boycotted," was the sentiment expressed by a young Irishman who had seen and known a little of the interesting process. "If," he continued, "a boycotted man goes to mass, the people hustle him going in and out; they hoot at him, throw stones and mud at him, even if they don't beat him or injure him in other ways." The Tipperary people have a considerable mixture of English blood, and are apparently more obstinate in their determination not to pay rent than their more purely Celtic neighbors. One landlord was boycotted by the whole neighborhood, so that he had to go sixteen Irish miles to get his horses shod. Some of his tenants who had paid their rents were boycotted by the others, but, it was said, still joined in boycotting the landlord, the common enemy.

Mr. Dillon, in a speech in the House of Commons in August, 1882, defined and defended boycotting as practised by the Land League, denying that such exclusive dealing as it advised was illegal, or necessarily productive of outrages. He held that far more outrages would have been committed but for the influence of the Land League in protecting the tenants against unjust rents and evictions, and thus keeping them from much greater distress and desperation.

## CHAPTER XXIII.

THE NEW LAND LAW IN OPERATION—CASES DISPOSED OF—WHAT ARE THE IMPROVEMENTS?—DECISION OF THE COURT OF APPEALS IN THE CASE OF ADAMS vs. DUNSEATH—DISSATISFACTION AMONG THE TENANTS WITH THE DECISION—REDUCTIONS OF RENTS—BENEFICIAL EFFECTS OF THE ACT IN PROMOTING IMPROVEMENTS—SOCIAL BENEFITS—DANGER FROM SHOPKEEPERS AND “GOMBEEN MEN”—VALUE OF TENANTS’ INTERESTS INCREASING—BANKRUPT TENANTS WILL BE EVICTED—THE LAND CORPORATION—FUND FOR EVICTED TENANTS—THE GREAT MAJORITY OF THE TENANTS BENEFITED—LEASEHOLDERS DISSATISFIED.

THE Land Law of 1881 has now (October, '82) been in operation about a year, and some results of its application are visible. It was at one time predicted that the court would be swamped with business. Although the Land League leaders advised the tenants at first not to enter the court, at least not until after their test cases had been decided, large numbers did make application.

The following return of cases lodged and disposed of in the Land Commission and Civil Bill Courts from October 1st, 1881, to August 31st, 1882, shows that considerable progress has been made in fixing fair rents.

Number of fair rent cases lodged with the Land Commission . . .	86,517
Number of fair rent cases lodged with the Civil Bill Courts . . .	6,991
Total . . . . .	93,508
Number of fair rent cases disposed of by the Land Commission . .	28,809
Number of fair rent cases disposed of by the Civil Bill Courts . .	4,571
Total . . . . .	33,380

The new circuits commenced September 18th, and will terminate December 18th. The number of appli-

cations now making is very large, and cases are disposed of rapidly.

At one time during the past summer nearly a thousand cases per week were disposed of. A number of sub-commissions have been organized, and to these or the county court all applications are in the first instance made. An appeal lies to the Land Commission, and cases of law may be referred to the court of appeal. The most important power of the court or commission is the power to fix a fair, or, as it is called in the law, a judicial rent. This may be done on the application of the tenant, or the joint application of the landlord and tenant, or the application of the landlord if the tenant declines to accept an increase of rent. In either of these cases, or on the tenants accepting an increase of rent, a statutory term begins. The value of the tenant's interests in the holding depends upon the rent fixed. The action of the Commission in the first few cases was looked for with great interest by both parties. The great reductions made caused much complaint among the landlords, and a loud demand for compensation for the confiscation of a part of their property. On appeal to the Land Commission the rents were in a number of cases raised above those fixed by the sub-commissioners. It was a disputed question whether in fixing a fair rent account should be taken only of the actual value of the improvements or the increased value of the holding by reason of these improvements should be considered. Those who took the latter view held that the relation of the tenant to the landlord was the same as the borrower of money who pays a certain per cent. and hands over only the principal when it is due. The tenant borrows the land, pays a certain yearly interest in the shape



of rent, and in the end refunds the land in the same condition as when he took it. Whatever he has made out of his investment of labor and capital in this borrowed land is as clearly his as the gains made by the borrower of money. If, for example, he has borrowed a farm worth \$2000 and by a judicious expenditure of \$1000 in drainage has made the farm worth \$5000 his improvements ought to be valued at \$3000.

Those who took the opposite view argued that the increased value was often due to the inherent qualities of the soil, the undoubted property of the landlord, and that, therefore, the actual value of the improvement works, the sum for which they could be made, ought to be considered the tenant's interests. They also opposed strongly the theory that the increased value given to the land by the simple process of good cultivation ought to entitle the tenant to a sort of co-partnership in the soil itself, and also to perpetual interests in the holding, so that his improvements would be all the difference between the present value of the land and what it was worth in an uncultivated state. A few years ago Lord Dufferin discussed this same question in "An Examination of John Stuart Mill's Plan for the Pacification of Ireland" and summed up his conclusion by the following "homely example": "It is well known that, a meerschaum pipe after it has been smoked is more valuable than in its virgin condition; but a person who has hired a meerschaum from another for a month would have no more right to keep it forever on the plea that his use of it had enhanced its worth than an Oxford Nimrod could lay claim to one of Mr. Jollett's hacks at the end of the hunting season on the ground that his bold riding had rendered the beast a more accomplished fencer."

The Land Commissioners decided that the former was the correct view, but allowed an appeal in the case of *Adams vs. Dunseath* to be taken to the Court of Appeals. There were a number of questions put. The most important part of the decision is that which defines improvements to mean not the increased value caused by the improvements, but "the improvement works themselves." The court was not unanimous in its opinion, and the decision created a considerable dissatisfaction among the tenants. Its effect has been to diminish in some cases the value of the tenants' interests and to make the tenants look less favorably on the measure. One of the amendments strongly urged on the government was to define improvements so as to give the tenant the right to the increased letting value of the holding produced by his improvements. The extreme party have all along wanted the difference between the value of the land in an uncultivated state and its present value put down as the tenant's improvements. At that rate the landlord's interest would be small indeed. The obvious purpose of some of the more extreme party is to obtain such a definition of improvements. If that can be done the fee-simple of the land will be worth comparatively little, and the landlords can be bought out at a merely nominal price. This was apparently Mr. Parnell's plan when he proposed that the rental of Ireland should be reduced from seventeen to three millions. Mr. Davitt in his Liverpool speech referred to Dean Swift's estimate of the rental of the land at two millions, and claimed that the fifteen millions added since was all due to the tenants' labor, and ought to be set down as their, and not the landlords', property.

The commissioners have reduced the rents in a large number of the cases that they have disposed of. They have increased the rent in a few instances, and have dismissed some of the applications. The result has been a reduction on an average of a little more than 22 per cent. in the rents in the cases disposed of up to this time. Complaint has been made that the recent reductions are not so great as those in the cases decided earlier, and that it has often happened that, when the cases were appealed, the rents were sometimes put back more nearly to the old figure. It is true that in a majority of the cases appealed the decisions have been favorable to the landlords. As the landlords have complained greatly of the wholesale reduction of rent in the first place, it is not strange that they should appeal in many of the more extreme cases where there was the greatest appearance of injustice, and that in view of the character of these cases, the appeals have more frequently been decided favorably to their interests.

Some of the tenants complain of the expense of presenting their claims. The fee for entering the court is only one shilling, and the lawyer's fees are fixed by the court at a moderate standard, but very often the tenant is charged two or three times as much by the lawyer. That it is the intention of the Land Commission to make substantial reductions in the rents in general, there can be no doubt. When the cases of the smaller tenants of the West, whose arrears of rent have thus far kept them out of court, and who are now applying under the Arrears of Rent Act, are decided, there will no doubt be some very great reductions, as the rents are often highest on some of these small hold-

ings. There are, notwithstanding the violent agitation and outcry against rents, a large number of Irish tenants who are satisfied with their rents, and will not apply. In other cases, as in those of some of the large dairy farmers, the improvements of the tenants are not of much value, and the tenants not having strong cases will often not make application. Tenants of "English managed estates," that is of estates on which the landlord has made and maintained the improvements, will as a rule not apply. Lease-holders are excluded from the benefits of the Act. There are said to be about a hundred thousand of these. It is, therefore, quite certain that, when all the applications that will come before the commissioners are disposed of, the average reduction of the rents of the country will be much less than twenty-two per cent. Great relief, however, will have been given to many who have been much in need of it, and the security that the rent can not be raised or the tenant turned out except in a few exceptional cases, ought to have a very beneficial influence on the industry, improvements, and prosperity of the tenant. There is under the new law great encouragement for the tenant to make improvements, and to increase in every way the value of his interests. The decision in the case of *Adams vs. Dunseath* is generally regarded as tending to discourage to a degree the making of improvements. The tenants' improvements can not, however, be appropriated by the landlord as was once the case, and the certainty of quiet enjoyment for fifteen years without increase of rent, the opportunity at that time of having the rent fixed again for another statutory term, and the power to sell his interest at any time, will prove great incentives to the

tenants who have any desire to advance their interests to make improvements. There certainly will no longer be any excuse for the neglected condition of some of the holdings, for the beggarly appearances of some of the houses, for the squalor and filth, for which the fear lest the landlord would raise the rent have furnished at least a pretext. The result, therefore, on the manner of life of some of the people, ought to be great. They will no longer have a pretext for assuming the airs, and dress, and manners of beggars, as they have done in not a few cases to convey the impression that they could not pay more rent. The effect on the social condition of the people will be good. There may be a tendency to extravagance with the first consciousness of security of interests and tenure. I have already referred to the charges of extravagance made against the tenants in recent years. We see in this country frequent examples of laborers who live from hand to mouth, though getting such wages as with reasonable prudence and economy would enable them to lay by considerable sums for their families. The free, off-hand generosity of the Irish disposition often leads to reckless expenditure where a cooler and more calculating nature would be more frugal. The old system of land tenure in Ireland, under which it was scarcely possible for the tenant to acquire an interest in the soil, or secure for himself and his family a home, took away the chief incentive both to industry and economy, and gave free play to, if it did not stimulate any disposition to thriftlessness and reckless expenditure. For some of these people there has been no hope for anything more than bare existence. When fair rents have been fixed, the tenants' interests will have a more certain commer-

cial value, and can be sold to a better advantage. The tenant will be better able than ever to borrow on and mortgage his property. Where he has regularly been in debt he will be in danger of continuing the habit of "drawing on the future," and involving himself and his interest by expenditures greater than he can afford. The more unscrupulous shop-keepers and money-lenders may often take advantage of his condition and disposition, and get his interests in their power. Many tenants whose arrears of rent have been provided for are now totally at the mercy of the shop-keepers and "gombeen" men, who will sooner or later sell their interests. It is too much to expect that a people who have lived under a most vicious system so long, will immediately recover from its effects, and the habits of life that it has produced. Besides, with the growing knowledge and self-respect of some of the people the increase of desires to be gratified will often be more rapid than of the means at their disposal. It will not be at all strange if we find many tenants suffering from the results of reckless extravagance.

On the other hand, the possibility of acquiring property, of increasing its value, the security and independence afforded by the law, will no doubt have a beneficial influence in many cases. There are many Irish tenants who are industrious and frugal, who are very anxious to secure homes and competence for themselves and their families, and who are willing to work hard and economize closely in order to improve their interests. These will be greatly encouraged by the new law, and others will be incited to follow their example.

It is too soon yet to form a reliable estimate of the value of the tenants' interests as guaranteed by the law

of 1881. While in Ireland last summer ('82) I made many inquiries in regard to the matter. Recently, in some places where the Ulster tenant right had not been in vogue, the tenants' interests have been sold at from five to fifteen years' purchase of the rental. There have been instances in Ulster where twenty or thirty years' rental have been paid. A gentleman, himself a landlord, but a firm believer in the beneficial effects of the new law, said, "It is very probable that as soon as things settle down, the tenants' interests will bring on an average from eight to fifteen years' rent, and will, in many cases, within a few years, be equal in value to the fee simple." In Ulster the tenants' interests are sometimes more valuable than the fee. While there are many Irish tenants who are deeply in debt, there are some who have snug sums of money in the banks. The large sums held by the banks on deposit are often referred to as showing that Ireland is not poor.

There are upwards of thirty millions sterling on deposit in these banks, a considerable part of it belonging to tenant farmers who see no better way of investing it than by taking the one to two per cent. paid by the banks. When tenants' interests are for sale, the desire for some safe investment for money will lead men to offer high prices for these real estate interests. The land hunger and sharp competition for holdings on other grounds than the desire for investments will also operate as they formerly did in forcing up rents, in some instances to a ridiculously high figure. These two things, the making of improvements and the competition for holdings, either for homes or as investments, are likely to greatly increase within a few years the saleable value of the tenants' interests.

While this increase will enrich the present holders of farms, the competition prices which holdings are likely to bring will have some objectionable features. It will often occur that a man, in his desire to take a farm, will borrow money or sell his stock and curtail his ability to carry on the operations of the farm to such a degree as to cause him great inconvenience. Poor men who do not already possess holdings will often find it hard to get them. There will be frequent cases of selling out tenants' interests to satisfy the claims of creditors. The landlords, too, have a right under the new law to insist upon the more prompt payment of rent than formerly. The much-dreaded evictions will not cease.

During the past summer the Land Corporation, under the direction of Mr. Kavanagh, was formed with pretty much the same objects as the Property Defense Association. It proposed to protect the right of landlords and tenants, to see that the former got the rents justly due them, and to enable them to turn out non-paying tenants, the expense and trouble having often deterred them from resorting to eviction single-handed. It also proposed to protect tenants who might take the holdings vacated by those who were bankrupt, and to aid those who paid rents, to buy tenants' interests, and, in short, to see after the interests of property owners. It was called by the Irish people "the Eviction Association," and denounced everywhere in strong language. I heard not a few imprecations visited upon the head of its manager, Mr. Kavanagh, who claimed that its whole influence would be to produce prosperity and restore order. The Land League party complained of it as an organization to carry out evictions, and



proposed to take measures to thwart its purposes. Accordingly, after the opening of the exhibition in August last, a meeting was held in Dublin to take measures for the relief of evicted tenants. The Lord Mayor presided, and a committee, "the Mansion House Committee for the relief of evicted tenants in Ireland" was formed. It was urged that the tenants who had refused to pay unjust rents or had obeyed the no-rent manifesto, and were to be evicted in consequence, were martyrs to the cause, and ought not to be allowed to suffer. The organization of the Land Corporation by Mr. Kavanagh indicated a determination on the part of the landlords to carry out evictions, and many tenants would suffer if relief were not provided. There was a good deal of enthusiasm and considerable sums of money were subscribed. The latest accounts indicate that funds are not coming in as rapidly as was expected. The farmers are charged with settling down to the enjoyment of the benefits of the Land Act, regardless of those who now suffer because they fought for the common cause.

The tenant may still be evicted for non-payment of rent. When one year's rent becomes over due, the landlord has a right to eject the tenant in the same way as before the act was passed. The tenant will, as formerly, have a right to stop the proceedings at any time before the execution of the decree by paying the rent and costs, or within six months after the execution can redeem his holding in the same way, and after payment of redemption, his former rights to the holding, at a fair rent, for the statutory terms will revive. On a breach of any of the other five statutory conditions the landlord may serve the tenant a notice to quit, and six

months afterwards may proceed by ejectment to recover possession of the property. At any time before the execution of the writ by decree for possession, when the ejectment is brought for any other reason than non-payment of rent, the tenant may sell his interest, and the purchaser's interest will be the same for that statutory term, as if the ejectment proceedings had never been commenced. The creditor may sell the tenant's interests for his debt. As a large number of tenants have been deeply in debt, all through the agitation, and landlords and creditors have been waiting to see what rights the government would guarantee to the tenants, there is no doubt that in view of the decisions of the Land Commission defining, directly or indirectly, the extent of the tenants' interests, proceedings will shortly be taken to evict or sell out numbers of these bankrupt tenants. The Arrears of Rent Act will give relief to large numbers, enabling them to escape eviction by the landlords for non-payment of rent, but will not secure them against being sold out by their other creditors. The Arrears of Rent Act gives relief only to tenants who paid or satisfied the rent for the year ending November, 1881. Owing to the no-rent agitation many tenants refused to pay rent when they could have done so. The money which was available for rent has in many instances been spent in other ways, and a considerable number of these men will be unable to get relief. The landlords if anxious to get the government grant for a portion of their arrears, and if there is apparently no hope of the tenants being able to pay the year's rent in full, may in some, perhaps many instances, in view of the trouble and cost of eviction, accept from the tenants a nominal sum

as a satisfaction for the year's rent. The tenants moreover will be able more easily to obtain credit than formerly, and can thus often raise money to satisfy the claims of the landlords and other creditors: there must however be a large number of hopeless cases where it will not be possible for these deeply-indebted tenants to satisfy the claims of their landlords and creditors, and eviction or the sale of their tenancies will result.

In some cases, where the landlord or creditors sell out a tenant, there will be a balance left over, after satisfying the debts. When such is the case great suffering is not likely to occur. While there will probably be more or less discontent or distress arising from these evictions, the great majority of the Irish tenants will be far better off, and discontent and disorder will not be so likely to prevail throughout the country. And yet there will be enough discontent and distress to cause anxiety. Provision was made in the Arrears of Rent Act for aiding just the sort of persons whom I have described as hopelessly bankrupt, and likely, on being evicted, to be in want, to emigrate. This provision, if accepted by those for whom it was intended, will have a good effect on the country.

There has all along been more or less discontent among the lease-holders who accepted leases at the former high standard of rents, practically forced, they claim, by circumstances to do so. One of the provisions of the Act of 1870 encouraged landlords to give leases for thirty-one years. The neighbors of these leaseholders who two years ago paid precisely the same rent, now have the right to apply to the courts, and in some cases have done so, and had their rents greatly reduced. Extreme cases where the tenant who has held

from year to year has his rent reduced, say thirty or forty per cent., while his neighbor under his lease must pay the much execrated rack-rent, will cause discontent. Some of the Irish members were very anxious to have the Act of 1881 apply to existing leases, but except in the cases already referred to, their proposal was rejected. Mr. Parnell has earnestly advocated the amendment of the Act in this particular, and Mr. Gladstone has spoken of it in a way that has led many people to think that he intends at some future time to bring in a measure that will extend some of the benefits of the Act to this class also. Some of the lease-holders are very emphatic in their expressions of discontent. One of them, who lives a few miles from Cork, told me the story of his hardships as follows: He had taken a lease a few years ago for thirty-one years, agreeing under the pressure of circumstances, to pay an enormously high rent—a rent which he undertook to show, and if his figures were correct, did show—gave the landlord sixteen per cent. on his investment. It was well nigh impossible, he said, even with the greatest exertions, to pay the amount. His neighbors who had held from year to year had obtained great reductions; he had applied to the landlord for relief, but the latter insisted that he should fulfil the contract. He offered to submit the matter to the court or to arbitration, each of the two choosing one arbitrator. The landlord refused to entertain any proposition looking to any change, although the tenant said, "I begged very hard." "Now," said he, "the landlord will not get any rent from me without the use of the police and soldiers." This tenant seemed to be an industrious, and on the whole a very respectable sort of man, a good specimen of an Irish

tenant farmer. There are, of course, very grave objections to interfering with these contracts, still there are many who think that in view of all the circumstances, it might be well to give relief in some way to this class.

## CHAPTER XXIV.

PEASANT PROPRIETORS—SOME OBJECTIONS CONSIDERED—EXPERIMENTS IN IRELAND—PURCHASERS OF THE CHURCH LANDS—PURCHASERS UNDER THE BRIGHT CLAUSES—DIFFICULTIES UNDER WHICH THE NEW OWNERS HAVE LABORED—THE EXPERIMENTS SUCCESSFUL—A GENERAL DEMAND FOR EXTENDING THE PURCHASE CLAUSES—THE CONSERVATIVE PLAN—ENFORCED SALES—WHAT IS A FAIR PRICE?—MR. DAVITT'S NATIONALIZATION SCHEME.

It has long been held by many of those interested in Irish affairs that the true remedy for the evils existing in Ireland is in some way to convert the tenants into owners of their farms. The extensive introduction of peasant proprietorship during the present century in France, Belgium, Prussia and other countries on the Continent of Europe, and the prosperity that has followed, have increased the number of advocates of this remedy. In this country we are accustomed to think of the great majority of farmers as proprietors of their farms, and to consider this general distribution of landed property among our citizens as one of the greatest safeguards for liberty, law and order.

I have already referred to the efforts made to remove the obstacles in the way of the transfer of real estate in Ireland, to the constitution and powers of the encumbered estates and the landed estates courts, and have explained the provisions of the Church Disestablishment Act, and of the Land Acts of 1870 and 1881 for encouraging and enabling the tenants to purchase

their holdings on favorable terms. Perhaps few people here would doubt the wisdom of such a policy. There are however some Englishmen who, believing in the laws of entail and primogeniture and in the desirability of large landed estates, do not favor the idea of a peasant proprietary, and do not think long leases desirable. They argue that a man whose occupation is farming the land, and who has a small amount of capital can employ it to a greater advantage in stocking his farm, than in buying the fee-simple, that it is better for him to pay rent than interest on borrowed money. They contend that while landlords charge rent equal to four or five per cent. of the money invested, if the tenant borrowed money to buy the same fee simple, he would have to pay six or seven per cent. for his money. They point also to the fact that in Ireland most of the Squireens, the former owners of small estates, wasted their resources, let out bits of their land to tenants, carried on their establishments in a careless and extravagant way, and generally ended by becoming bankrupt. They predict that if the government should enable the tenants to purchase their holdings it would soon come to pass that large numbers would fall deeply in debt and be sold out to their more thrifty neighbors or to the shopkeeper and "Gombeenmen," who would rent the farms in many cases to the old owners. Thus there would be introduced a large class of small landlords, of the kind who within the past few years have often been notorious for their rapacity, while the larger land owners had often been more lenient. In this way a still greater amount of suffering and discontent would be caused.

On the other hand the increased self-respect and

independence, the better social position of the people and the far greater incentives to industry and economy will seem to most persons who consider the question to far outweigh these arguments. While it is admitted that many of the small land owners of former times wasted their substance and became bankrupt, it is also true that the recent experiments in peasant proprietorship have on the whole been successful. Under the provisions of the Church Disestablishment Act 6,057 tenants accepted the right of pre-emption, paying on an average not quite twenty-three years purchase of the rent. The Commissioners had sold up to November 1st, 1880, to other purchasers 2,326 holdings. The tenants who purchased were required to pay one-fourth of the purchase money down, the remaining three-fourths being secured by a mortgage on the property at four per cent., the whole debt, including principal and interest, being made payable in equal half-yearly instalments spread over thirty-two years. These instalments amounted to a little over  $5\frac{1}{3}$  per cent. of the money advanced. The new purchasers have, it is said, paid up with a good deal of regularity. Of the whole number only 388 were reported in arrears by the Bessborough Commission in 1881. A few of these owners have been sold out and others have assigned their interests as security for borrowed money, and a few others are said to be in distress. It is generally admitted, however, that the experiment has been successful. The new owners are on the whole more prosperous and contented, because of their ownership. The holdings of the church lands were, as a rule, very small, their average rent being £12. The rents were very high, and the tenants on the whole poorer and less



prosperous than those on ordinary private estates. The prices paid in purchasing their holdings were somewhat higher than of land purchased in the private market. Besides, the costs of their conveyances and mortgages were very high, amounting in some cases to 30 per cent. of the purchase money. I have already given one extreme instance of the cost of transfer. It was of course only by the greatest efforts that the poor tenants were able to raise the one-fourth of the money required. A few, it is said, had saved money. "Some sold their stock, others borrowed from friends, neighbors, solicitors and money lenders, occasionally getting the loan without any interest, in other cases paying from 4 to 20 per cent. for it." Sometimes the money was sent from relations in America or elsewhere. Numbers of instances where sons and daughters employed as laborers in this country sent their savings to enable their parents in Ireland to purchase their old homes, are related. The sale of the stock for the purpose of raising the money sometimes greatly embarrassed the purchasers. Hard pressed for money the new owners in some cases had to save every penny to pay the interest and instalments, and had nothing to spend in improving their farms. They were also forced sometimes to raise the crops that furnished the largest immediate returns, without reference to their injurious effect on the land. It therefore argues well for the success of a peasant proprietary in Ireland, that with all the difficulties and drawbacks their experiments have been on the whole so successful,

Under the Bright clauses of the Act of 1870 about 1,000 farmers have purchased their farms. These farms were larger on an average than those on the

church estates, and the tenants wealthier. The terms however were not quite so favorable, as they were required to pay down at least one-third of the purchase money. The costs of making the transfers and the solicitor's fees, added considerably to their burdens. Many of them borrowed the whole or a part of the required one-third—most of them paid from 20 to 25 years' purchase. Notwithstanding the hard times and recent failures of the crops, these men are, with some exceptions, comparatively prosperous, and are paying their instalments regularly. Some of them have made encouraging progress in improving their farms. It can be said, I think, that without doubt the tenants who have become owners of their holdings in Ireland in recent years are more prosperous than their neighbors who remain tenants. The difference is often not great. Sometimes indeed there is apparently no difference. I have no doubt however that it would be a decided advance to the Irish tenants if they could generally become the owners of their farms. A large number of men of both parties in England, have now reached this conclusion. It has also been one of the cardinal doctrines of the Land League. Even the Conservatives took up the matter with a great show of earnestness last winter, and proposed to bring in a bill to so modify and extend the purchase clauses of the Land Act as to enable all the tenants to buy. A committee appointed by the House of Lords to inquire into the working of the Land Act of 1881, made an interesting report on this subject. They pointed out some of the reasons for the entire failure of the purchase clauses of the Act. Some of these grew out of the unwillingness of the landlord to sell. Most of them were due

to the "unwillingness of the tenants to buy. A tenant who could have a fair low rent, fixed for fifteen years with security of tenure and a right to sell his interest at any time was unwilling to buy, paying down one-fourth of the purchase money, often having to borrow it, and binding himself to pay a yearly sum larger than his fixed rent. The violent agitation that has been kept up since the Act became a law, and the utterances of some of the leaders of the Land League have led many of the people to think that within a few years they will get the land as a gift after having driven out the landlords, or will be able to purchase, at a very low price.

The Lords' Committee recommended among other things that the whole of the purchase money should be advanced to the tenant, and that the time for its repayment should be extended, so as to make the annual payments on account of the loan equal to or less than the rent. The prospect of being able to acquire their farms in fee simple by paying an annual sum not greater than their rent for fifty or sixty years, would induce the tenants generally to become purchasers.

Others hold that instead of advancing the whole of the purchase money, the government might advance a larger amount than the Act provides for, say four-fifths or five-sixths, leaving the tenant to raise the remainder as a sort of pledge or proof of his ability to properly stock and carry on the farm, and to allow him more time to repay the loan, extending the period to forty-five or more years. The rate of interest might be low, as the government could borrow at favorable rates. In this way it is argued a better class of peasant proprietors would be had than if the government should ad-

vance all the purchase money. Some of the tenants could not raise even one-sixth of the money. It is undesirable that the majority of these should be "planted and rooted in the soil" by being made by government loan, the owners of farms too small and poor to maintain them decently. One of the most important recent utterances on the subject was that made by Prof. Fawcett, Postmaster-general of England, in a speech delivered September 26th. "I would yield," he said, "to no man in my desire to see the system of associating the ownership with the cultivation of land extended; but there is the widest difference in the world between bringing this result about of freeing the land from all unnecessary restrictions, and by unduly fostering it by grants of State money. It certainly seems to me that in advancing three-fourths of the purchase-money the State has gone as far as can be defended on the grounds of either prudence or justice. With regard to the tenants themselves, it can, I believe, be of no advantage to them to encourage them to become the purchasers of land when they have not sufficient capital to provide a portion of the purchase-money. If the whole of the purchase-money were supplied by the State, what would be the inevitable result? The demand for land would be greatly increased, its price would be artificially enhanced, the existing owners would be thus enabled to obtain an increased price for their land at the public expense, while those who purchased it would have more difficulty in obtaining a living from it." That some further extension or modification of the purchase provisions of the law will be made within a year or two is almost certain.

There is considerable discussion as to the price

the tenants should be required to pay for the fee simple. In some cases the exorbitant rents collected and the speculation growing out of the sales of land in the Encumbered Estates Courts raised the price of land to a very high standard. The agitation of the past three years, the unsettled condition of the country at present, the uncertainty in regard to the effect of the working of the Land Law and the belief that there will be some further legislation on the subject, have made the landlord's interests for the present unsaleable. The fact that rents have been reduced nearly one-fourth, in cases thus far decided, would seem to indicate that the price of land would decrease in proportion. The risk of investing money in a country liable to such violent agrarian agitation will also have a tendency to depreciate the selling value of the land.

If matters become more settled, and the Land Commission completes within a few months, as it hopes to do, its work of fixing fair rents, the land will again become marketable, and as rents at the lower stand, established by the commission will be more regularly paid, land may resume something like its old value. Most of the propositions recently made have gone on the plan of requiring the landlord to sell at a price to be fixed by some sort of tribunal. Mr. Parnell is reported to have said that he was in favor of the tenants being allowed to extinguish the rent, and become proprietors of their holdings on the payment for thirty-four years of a government valuation rent. There have been other declarations from some of the prominent Land Leaguers, indicating a purpose on the part of many of the violent agitators to keep up the agitation and disorder, and to continue the war against the land-

lords and landlordism, until the land can be purchased at a merely nominal price. Some of these men are opposed to giving any compensation to the landlords. These of course have no regard for the rights of property.

Mr. Davitt's scheme for the nationalization of the land in Ireland is one of the boldest and most radical that has yet been suggested. A similar plan for dealing with land is said to have been developed by Thomas Paine, in a pamphlet published by him, a great many years ago. The chief feature of this scheme, which is given in full in the language which Mr. Davitt used in first presenting it to the public at Liverpool last June, was the nationalization of the land under the direction of an Irish Parliament. The landlords were to be paid ten years purchase of the rental by the government, and the government was to be reimbursed by a land tax upon the farmers. The objection to making the government the landlord is a very serious one, and would perhaps, in the mind of the English statesman, be fatal to the adoption of the scheme.\*

The enforced sale of all the land in Ireland would undoubtedly be open to great objection. The bitter feeling, however, existing towards the landlords, the disposition on the part of many of the people to attribute all their troubles and hardships, all their distress and sufferings to the landlords, the complications that must arise between the two parties, if they continue to maintain their present relations, the many opportunities for litigation that are sure to arise in connection with the quasi partnership which the new law esta-

\* See also "The Irish Land Question," Henry George.

blishes over the greater part of Ireland, and the great advantages of having a peasant proprietary, are powerful arguments in favor of transferring the ownership to the tenant, even if it must be done by enforced sales. Many of the landlords would now gladly sell, I am told, if they could get any thing like a fair price. There are cases where the landlords are men of such intelligence and enterprise, so deeply interested in the development of the country, and able and willing to promote in so many ways its advancement, that it would be unfortunate that any scheme should be adopted by which they would be compelled to sell and leave the country. The best plan it seems to me would be to make such provisions as would enable the greater part of the tenants to become the owners of their farms by paying a fair price, advancing them the greater part of the money at a low rate of interest, and allowing them to repay the loan by an annuity extending through fifty or sixty years.

It seems particularly desirable that the tenants on the large estates of absentee owners should be enabled to purchase. Provision ought to be made for the cheap and easy transfer of real estate, including a convenient system of registration, and encouragement should be given for the subdivision of the larger estates. The laws of primogeniture and entail should be abolished. Mr. Gladstone has expressed himself as strongly in favor of great reforms in the laws referring to the descent and transfer of real estate, and should the Liberal party continue in power for a few years longer, the indications are that great changes will be made in this direction.

## CHAPTER XXV.

THE RECLAMATION OF WASTE LAND—THE AMOUNT OF RECLAIMABLE  
BOGS—HOW BOGS ARE RECLAIMED—EXPERIMENTS BY MR. STONEY  
AND MITCHELL HENRY—A WILDERNESS TURNED INTO A GARDEN—  
RECLAMATION BY THE GOVERNMENT—MITCHELL HENRY'S PLAN—  
ADVERSE OPINIONS.

ONE of the earliest and most frequently advocated plans for relieving the distress in Ireland was the reclamation of waste land. A bog commission, consisting of eminent engineers, made an exhaustive report on the Irish bogs as far back as the year 1814.

It estimated the reclaimable bog at 2,830,000 acres. Sir Robert Kane estimates the entire amount of waste bog and mountain land, available for agricultural purposes, at 4,600,000 acres.\*

The latest returns give the entire amount of land that is absolutely waste and unproductive, at 4,651,958 acres. There is some difference of opinion as to how much of this is capable of reclamation. The most reliable estimates make the reclaimable portion from 1,800,000 to 2,000,000 acres. Most of this land is bog, and the greater part of the labor of reclamation consists in draining. The bogs are from a few inches to forty feet, most of them from three to fifteen feet, in depth. Deep drains are cut down through the bog to the gravel that lies immediately under it, and side drains of lesser depth lead into the larger ones. After the

\* "Industrial Resources of Ireland," 257.



drains are cut the bog gradually sinks several inches as the water runs off and the earth settles. Lime is then spread over the surface, and potatoes, turnips, or some other green crop planted. The land thus reclaimed is sometimes very fertile. I saw excellent crops on such lands in several places, notably on Mr. Mitchell Henry's estate at Keylemore, and on that of Mr. E. V. Stoney at Rossturk. Oats and hay grew very luxuriantly. The land has to be carefully farmed for a long time, as it shows a constant tendency to relapse into barren waste.

Many landlords hold that reclamation will not pay, that it is too expensive, and that the land requires too constant care afterwards. The cost commonly ranges from sixty to one hundred and thirty-five dollars per acre. Mr. Finlay Dun, who has given considerable attention to the matter, is of the opinion that, as a rule, the reclamation of bog will not pay. There are some exceptions, he thinks. Small portions may be gradually bought in by tenants at leisure times.\*

Mr. Stoney, of Rossturk Castle, Clew Bay, has done something at reclamation. He thinks there is a large part of the waste lands of Ireland whose reclamation will not pay. Occasionally there are tracts that will prove profitable. In many cases the value of bog land might be improved for grazing purposes at comparatively slight expense. Large tracts ought to be planted in trees, and allowed to become forest.

Mr. Mitchell Henry has reclaimed several hundred acres in one of the wildest parts of Connemarra. When he undertook it, the other land owners of the region predicted failure. He had, however, faith in the project,

\* "Landlords and Tenants in Ireland, 272."

and money and energy to carry it out. The result is he has converted a large tract of unproductive bog, "which once nourished about a snipe to an acre," into very fertile farms, producing excellent crops, and giving employment to hundreds of poor people in the neighborhood. He thinks reclamation pays, if properly managed, and proper care is taken of the land after the work has been done. There are, he says, large tracts of these waste lands that ought to be planted with trees, and never used for human habitations, but there are large quantities of bog that can be reclaimed, and made to pay easily five or six per cent. on the money expended. He is in favor of the government's undertaking the work on a large scale. Propositions for reclamations by the government have often been made during the present century, and have found earnest advocates in Parliament.

The first practical legislation upon it did not take place until 1842, and had to be amended by the Summary Proceedings Act of 1846, before it was effectual. The Board of Works was allowed to undertake the work of draining bogs, charging the cost on the improved land. Considerable quantities were reclaimed, amounting it is said in all to 270,000 acres. The famine came and interrupted the work which had been begun on an extensive scale, and no very active steps have since been taken by the government.

At present there are provisions for advancing money on certain conditions for making improvements. By section thirty-first of the Land Act of 1881, the treasury may authorize the Board of Works to advance money to companies if they are satisfied with the security, for the purpose of reclamation or improvement of waste or

uncultivated lands, drainage of land, or for building of laborers' dwellings, or any other work of agricultural improvement. Advances for like purposes may be made on certain conditions, including proper security, to the occupiers of land. These loans are to have priority over all charges and incumbrances upon the tenancy of the occupier except rent, unless the landlord is a party to the advance and agrees to postpone the rent to them.

At the time the Act was passed, the government was urged to appropriate a large sum of money to reclaim land and give employment to the people. Mr. Mitchell Henry, at Mr. Gladstone's request, submitted his views on the subject to the Cabinet. He urged that the State should buy large tracts in various places, improve the land by drainage and cultivation, and parcel it out in forty acre lots amongst the people who had worked on its reclamation, the holders paying a low rent to the government. If the scheme were worked properly, he thought it would pay. It would give employment to labor, would relieve distress, satisfy to some extent the land hunger of the people, and induce a more kindly feeling toward the government. He thought a large sum, perhaps twenty-five million pounds, would be needed for purchasing the land and carrying out the desired improvements. This sum would not be a gift. Rent would be paid on the reclaimed land, and a sinking fund established, so that in the end the government would not lose. Mr. Henry's practical experience in the matter, and his well-known business capacity, add great force to his suggestion. The cabinet it is said were favorably disposed to his plan, but feared lest the expense might startle the Eng-

lish taxpayers, and therefore did not propose its adoption by Parliament.

Mr. Richard Kelly, Editor of the *Tuam Herald*, proposes to solve the Irish labor question by getting the government to make a grant of a large sum for the purchase and reclamation of waste lands, to be distributed in plots of ten acres among the men who work on the reclamation. He undertakes to show that it would be a wise course for the government to pursue, and recalls the work of reclamation done in the Netherlands to show that such an undertaking is likely to prove profitable.

Many Irish landlords, in fact most of them shake their heads when one proposes to reclaim lands on a large scale. They say it is doubtful whether it can be done profitably. The truth is, I think, that in very many cases the tenants are so careless or unskillful in the management of their farms that they allow this reclaimed bog to run wild, or plant it with successive crops of the same sort until it is run out. If the farmers had more energy and skill and knowledge of crops and soils, reclamation might in many cases be quite profitable. Mr. Henry is a man of large scientific knowledge, and his reclamations were done intelligently and the land properly cared for afterwards. Mr. Stoney, too, is a man of energy and enterprise. Both are men who are far superior to many other Irish landlords in these respects, and on this account, I take it, their efforts have been successful. I cannot help thinking that their views are in the main correct, and that considerable areas of bog in some parts of Ireland might with sufficient capital, enterprise, and care, be profitably reclaimed, while other large tracts would not pay for the expenditure.

## CHAPTER XXVI.

EMIGRATION AS A REMEDY FOR IRISH DISTRESS—OPPOSITION BY IRISHMEN TO THE “ROOTING OUT” PLAN—ATTITUDE OF THE PRIESTS—CAPACITY OF IRELAND FOR SUSTAINING A LARGE POPULATION—DR. PLAYFAIR ON THE DECLINING PRODUCTION OF HUMAN FOOD IN IRELAND—MANY FARMS TOO SMALL TO SUSTAIN FAMILIES, EVEN WITHOUT RENTS AND TAXES—ILLUSTRATIONS—CLIFDEN UNION—THE LAND THE ONLY RESOURCE IN MANY PLACES—MIGRATORY LABORERS—THE POOR LAWS—MR. BURKE’S ACCOUNT OF THE DISTRESS—MR. TUKE’S EMIGRATION SCHEME—EMIGRATION CLAUSE OF THE ARREARS OF RENT ACT—NEED OF AID AND ADVICE—MEDICAL CHARITIES IN IRELAND.

EMIGRATION has often been urged as a remedy for at least some of the troubles and much of the distress occurring in Ireland. The Irish have often opposed it for various reasons. For a long time it was said that the object of the English was “to root out the Irish from the soil.” Mr. Lecky has traced, in a masterly way, the effect of this idea on the Irish history.\*

Long after such a desire ceased to prevail in England, if, indeed, it ever did prevail, the Irish looked upon every suggestion looking toward emigration as made with the idea of driving them out of the country, to which they felt they had the first right.

Men who have emigrated, to find on these shores delightful homes and prosperity, such as they could not have dreamed of in Ireland, often appear to regard them-

\* “England in the XVIII Century, chapter VI.”

selves as exiles driven out of their country by the tyranny of England. I have several times met very intelligent Englishmen who opposed Irish emigration because the emigrants and their children were likely to be more hostile to England, and more dangerous enemies on this side the Atlantic than in Ireland. "Every emigrant makes a new enemy for us," a distinguished scholar said in regard to the subject. There are of course a large number of Irish emigrants who do not regard emigration as exile. It is, however, the hostile ones who commonly make themselves heard. There is, in some parts of Ireland, so much of this lingering hostility to emigration as a part of a general "rooting out" policy, that Englishmen often have to be careful in suggesting emigration. A landlord can easily stir up intense bitterness among his tenants by suggesting that they can find better homes elsewhere. The politicians of course use this feeling sometimes with wonderful effect.

The priests often oppose emigration. "They dislike to see their flocks diminishing; their incomes are seriously reduced." This is the reason sometimes alleged for their opposition. It is perhaps fairer to accept their own explanation. They dislike to see families separated, the old and feeble remaining, and often suffering in the absence of the younger and stronger, who, with characters unformed, and without experience, go far away among strangers, where they are exposed to many great temptations, and often lose their interest in spiritual things, and come under the influence of the godless and profane. It would be far better to endure any amount of physical suffering at home than to run such risks, they argue. There are

stories often told of misfortune and disgrace attending the emigrants. Some of those who return do not make the most favorable impression. Altogether there has been, and still is in not a few places, quite a feeling against emigration. Recently there has been a gradual change going on in many parts of the country. There have been a large number of people emigrating from some of the best parts of the country, where there is the most wealth and intelligence. Ulster sent out the largest number last year. From some parts of Tipperary county a great many of the active young people have left for the States. One young man told me last summer that half the young people whom he knew had come to this country. His brother had come, and was sending back money to bring him and his sister over. They all liked Ireland, he said, but they could do better here, so they were coming. There seemed to be no bitterness toward the Government, and no feeling that they would be exiles.

A much more rational objection than the one I have mentioned to emigration, is the often repeated statement that Ireland is quite capable of supporting her present population, and that emigration is not only unnecessary, but positively injurious, taking away the young and active, and leaving the feeble and old. Portions of the country where the land is fertile, and capable of sustaining a large population, are not at all thickly settled. In fact there has been quite a tendency to turn the agricultural holdings of some of the best parts of the country into grazing farms, thus diminishing the number of holdings, and the capacity of the country to sustain a large population. The change which has taken place in the acreage and produce of

cereal and green crops in Ireland in the last twenty years will be best shown by contrasting the year 1860 with that of 1880:—

CROPS.	ACREAGE.			
	1860	1880	Increase.	Decrease.
	Acres.	Acres.	Acres.	Acres.
Cereal Crops . . . . .	2,639,384	1,766,477	. . . . .	872,907
Green Crops . . . . .	1,607,642	1,241,253	. . . . .	366,389
Meadow and Clover . . .	1,594,518	1,909,825	315,307	. . . . .
	5,841,544	4,917,555	Decrease, 923,989	

CROPS.	PRODUCE.			
	1860	1880	Increase.	Decrease.
	Quarters.	Quarters.	Tons.	Quarters.
Cereal Crops. . . . .	10,953,613	8,462,764	—	2,490,849
	Tons.	Tons.		Tons.
Green Crops. . . . .	6,165,229	8,406,280	2,241,051	—
Meadow and Clover . . .	3,206,402	3,795,003	588,601	—
	—	—	—	—

If the tendency were changed, the opponents of emigration urge, and the people allowed to have the land to till, the country would be capable of sustaining well, more than its present population. The country did sustain a population of more than eight millions at one time; why should it not sustain five millions now?

The following table shows the population of Ireland at different periods:

1841 . . . . .	8,199,853
1851 . . . . .	6,514,473
1861 . . . . .	5,788,415
1871 . . . . .	5,395,007
1881 . . . . .	5,12,9950

This decrease has been due largely to emigration. The famine of course had much to do with the great decrease between 1841 and 1851.

A few years ago, Dr. Lyon Playfair, whose reputa-



tion as a man of science is well known, wrote an article on "The Declining Production of Human Food in Ireland," taking the years '56-7 and '67-8, and comparing the life sustaining products of these two years, which were about up to the average in productiveness. Placing side by side the quantity of wheat, oats, barley, beans, potatoes, turnips and other crops, and also the cattle and pigs for these two years, he makes it evident that the products of the country in the latter year were not capable of sustaining as large a population by at least 1,800,000 as those of the former year.\*

Any one who takes the trouble to examine the statistics and make a further comparison with the returns of more recent years, will find that the production of human food has still further declined. It ought to be said, too, that while eight and a quarter millions of people did at one time exist in Ireland, it was that excessive population that made terrors of the 47 possible. This decline in the production of human food has not been compensated for to any considerable degree by the increased production of other commodities which may be given in exchange for food. The great majority of the people still live off the actual products of the land. These products might be greatly increased. Better farming, increased knowledge of soils, fertilizers and crops, improvement of holdings already under cultivation, the substitution of tillage for grazing, which could probably be done with profit in some cases at least; the reclamation of waste lands could all be made to contribute largely to this end. The increase in manufacturing enterprises would also enable the country to sustain a larger population, giving the people that

\* "Recess Studies, page 242."

wherewith they could purchase food. These changes and improvements are, however, matters which require time. Meanwhile much suffering and actual distress is caused by overcrowding in some of the poorer districts. There are portions of Mayo and Galway where large numbers of people live on holdings so small that they cannot possibly live decently or comfortably. It is not a question of fair rent or fixity of tenure with them. If some of them had their holdings in fee and free from taxes, they would still be in great distress. Sometimes their hardships are aggravated by having to pay what must be regarded as a very high rent, considering the character of their holdings. In other cases their rents are reasonable. A gentleman who has lived among these people, and spent a great deal of time and money "in relieving their distress," said to me, "No amount of reduction of rent and no alteration of tenure can reach this suffering; these people simply cannot live on their holdings; they must have relief from somewhere or go where the opportunities for earning a livelihood are better." I have already described the wretched condition in which some of these very poor people live—their miserable cabins, without floors, or windows or chimneys, with scarcely a sign of furniture; the abodes of large families living with their pigs and cows in squalor and filth. They are very poorly clad, and often suffer from cold as well as hunger. Their food is potatoes and Indian meal stirabout. Some of them do not taste meat once a year. Their numbers add to the difficulty of the situation. The "Returns of Agricultural Holdings for Ireland," for 1880, show that 218,200 holdings in Ireland are valued at less than £4 per acre, while 196,000 are valued at £4 to £10. The

rent is sometimes greater, but these "Griffith's valuations" are what many Irish people long urged should be regarded as fair rents. These returns then show that more than two hundred thousand families are trying to live on farms for which a fair rent would be less than twenty dollars. There are probably upwards of 200,000 families representing at least a million of people living on holdings of from one to ten acres, chiefly of poor bog lands, and are without other means of support than the land.\*

A very much larger proportion of these poor people are found in the western counties, particularly Mayo and Galway, than in other parts of the country. I have visited some of the worst districts in these counties. In Belmullet Union, County Mayo, out of 3500 holdings, 3068 are valued at less than £4. The entire amount of land under tillage is less than 9500 acres, about half of which is in potatoes. Clifden Union, County Galway, is one of the poorest in Ireland. In it there are 4027 holdings, 3246 of which are valued at less than £4. Nearly 4000 families are here living on lots which ought to rent at from three to twenty dollars per year.

If the tenants have from their farms twice as much as they pay the landlords, the value of their share of the produce would range from six to forty dollars per year. In the workhouses in Ireland it cost, in the year 1880, on an average about eighty-five cents (3s. 3 $\frac{3}{4}$ d.)† per week, or about \$43.20 per year to keep each inmate. These institutions are managed very economically and the food and clothing are of the

\* "Emigration from Ireland." J. H. Tuke, *Contemporary Review* April, '82, 696.

† See Appendix to Local Government Report for 1880.

plainest sort. At this rate it would cost a family of five persons upwards of \$200 per year to live. Many of the families have from six to ten persons. Evidently they can not live on holdings on which their share of the produce is from six to forty dollars per year. Some of them manage to earn a little money in various ways, but there are very few openings of any sort. Numbers of the people used to support themselves by the manufacture of kelp from sea-weed, but this industry is now almost entirely destroyed, and the people have to fall back on the land. There is something made by the fisheries, and occasionally, though rarely, there are other openings for labor. From portions of the West numbers of laborers go to England for the harvest, and in this way keep their families from starving. Few of these laborers go from the region of Clifden, but a considerable number from some of the other poor districts. These migratory laborers plant their crops and cut their turf in the spring, and then, as the harvest comes on, leave the care of their holdings to their wives and children, go to England, and often return after the harvest with from eight to twelve pounds. They can thus pay their rent and have something left. The recent agricultural depression in England seriously interfered with the occupation of these people. Fewer have gone to England and these have sometimes found the journey fruitless, or far less profitable than formerly. The following statistics in reference to migratory laborers are taken from Thom's Official Directory, and show the numbers who went to England in 1841 and 1881 from the different provinces:

	1841.	1880.
Connaught. . . . .	25,118.	15,774.

	1841.	1880.
Ulster. . . . .	19,312.	5,209.
Leinster. . . . .	11,404.	767.
Munster. . . . .	1,817.	950.
	<hr/>	<hr/>
Total. . . . .	57,651.	22,900.

Of those migrating in 1881, 10,198, or nearly one-half, were from County Mayo. This source of relief is open to only a limited number. In this country, where there are so many openings for labor in every direction, we can scarcely realize the perilous and distressed condition of some of these poor people who have to rely almost entirely on the products of their little holdings, and who are kept from starvation only by their potato patches. It is estimated that in 1880, after the partial failure of the crop, about one million of the people obtained relief from the government and other sources. The number of paupers has increased during the past two or three years, as was shown in a previous chapter.

As the people of each election district in the main, pay for the support of their own paupers the poor tax is sometimes a very important item. It has sometimes been urged that the poor guardians could better afford to pay the expense of these poor people in emigrating than keep them in the work-houses. Propositions have occasionally been made looking to enforced emigration, but have seldom met with much favor. In reply to the suggestion that the government ought to take measures to compel these people to go where they could live decently I have heard it asked, "Why shouldn't a man be allowed to live with his pig if he likes it?" It is an unfeeling suggestion, however, and no man with ordinary human sympathies can see these

poor people in their wretched homes, and not feel like using all his influence to persuade and enable them to find better homes, and adopt better modes of life. The truth is, as I have already intimated, that many of the poor people would now be only too glad to have an opportunity of entering on a new career where they would have a chance of bettering their condition. They have neither money, nor, in many cases, fit clothing to emigrate. Mr. Bourke, Clerk of the Clifden Union, told me many stories of the suffering and distress of these people, of their desire to earn decent livings for themselves and their families, of their utter inability to do so where they are and of their great eagerness to go elsewhere to find new homes if they only had the money. No one could hear him tell what he has seen and known of these people without being deeply touched with sympathy. "Tell your people," he said, "who may want to do something for Ireland, to help these poor people, when they come to you, to find places where they can make an honest living. If they could see and know what I have seen and known of the terrible want and wretchedness that prevail here they would surely give money liberally, not for political agitation, but to help these poor creatures who live in this distress and want to find new homes and careers in your great wide country." To my suggestion that some of them did not seem to me likely to make desirable emigrants, he said, "Well, you must not expect too much of these people who have lived mostly on potatoes, and often a scanty supply of them, all their lives, who are really not strong enough to endure hard work and have not had chance to learn how to work. But in the interests of humani-

ty you can bear with their weaknesses and give them a chance to live." And I did feel, as I believe any man with ordinary human sympathies would feel in the presence of Mr. Bourke's earnest feeling for these suffering people, that I could bear with a great many of their infirmities in order to give them a new chance in life.

I have already referred to the way in which Irish people in this country often help their relations to follow them to their new homes. Perhaps there is no way in which the kindness and generosity of the Irish nature is shown in a more desirable light than in the money that Irish people here have sent to their friends at home, helping them in many ways.

One of the most successful enterprises for aiding poor people to emigrate was that undertaken a few months ago by Mr. J. H. Tuke, of Hitchin, England. A fund of nearly \$50,000 was contributed by a number of gentlemen and deserving families were selected from a large number who applied, furnished with decent clothing and given free passage to this country, provision also being made so that proper care should be taken of them on this side. The reports received from these people in their new homes are very encouraging.

The laws permit the Poor Guardians to borrow money on certain conditions to aid poor people desiring to emigrate. For several reasons these provisions have not been taken advantage of to any considerable extent. The Arrears of Rent Act has a clause providing that Boards of Guardians may borrow money from the Commissioners of public works, to defray the expenses of the emigration of poor persons, resident

within their union. The loans are to bear interest at the rate of three and one-half per cent., and are payable within not less than fifteen or more than thirty years.

The Treasury is also authorized to make grants to Boards of Guardians or to other persons for emigration purposes, subject to certain conditions, among which are that "the grants shall not exceed five pounds for each emigrant, and that the entire sum granted shall not exceed one hundred thousand pounds."\* Proper arrangements are to be made for securing the satisfactory emigration of the persons before the money is granted. Mr. Tuke's plan is likely to be followed in most cases, even if he does not supervise the arrangements. Mr. H. A. Robinson, the Local Government Inspector of Mayo and Galway, who knows every cottage in the two counties, and has told me of many cases of distress and extreme poverty, says this provision if properly carried out must give a great deal of relief to many people. It will not only relieve those who come to this country; it will greatly reduce the poor rates in some of the poor districts and relieve the better class of tenants whose prosperity is retarded by high poor rates.

Aid and advice of the right sort are often needed for the emigrants on their arrival in this country. There is certainly a good field here for the Irish-Americans to employ the large liberality which they have often shown in matters affecting their country. The "skirmishing fund" may not be available for such purposes, but many of the people who contribute liberally to the Land League funds would no doubt gladly help to better the condition of their countrymen who wish to

\*See Arrears of Rent Act in Appendix.



join them here. Societies organized for the purpose of aiding emigrants arriving here from Ireland have already done much good. Prominent among these is the Irish Catholic Benevolent Union.

Much might in some cases be done in Ireland to relieve certain districts by encouraging the people to go to other parts of Ireland where they could find work and means of livelihood.

In connection with the subject of distress and relief in Ireland, I was interested in the plan by which free medical attendance is provided for poor people. There are in Ireland 163 poor law unions and 3,438 electoral districts. By a law passed in 1857 Boards of Guardians are allowed to form Dispensary Districts, each of which shall have one or more dispensaries. There now are 740 dispensary districts, with 1,092 dispensaries and 806 medical offices. The expense of these medical charities amounted to £146,030 in 1879, and to £153,375 in 1880; while the number of cases in which relief was given was 672,256 in 1879, and 709,411 in 1880. These provisions supply the poor people with good medical attendance, which they would not be likely to have if left to themselves. The medical officers have the authority to oversee the enforcement of the sanitary laws, and often do the people a good service by requiring them to scrub and whitewash. I talked with a poor doctor in one of the poorest districts in the country. He told me that in all that district only two or three families paid for medical attendance. The others were all charity patients. There had been several epidemics during the past two or three years, and it was a very hard matter to get the people to take any sort of care to prevent the spread of contagious diseases.

## CHAPTER XXVII.

THE LABOR QUESTION—WRETCHED CONDITION OF AGRICULTURAL LABORERS—ILLUSTRATIONS—LABORERS' COTTAGES—POOR WORK AND POOR PAY—OPPOSITION TO LABOR-SAVING MACHINERY—PROVISION FOR LABORERS' COTTAGES—THE IRISH LABOR AND INDUSTRIAL UNION—ITS PLATFORM—THE VIEWS OF ITS ORGANIZERS—MR. KELLEY'S PLAN FOR RECLAIMING BOG AND DISTRIBUTING IT AMONG LABORERS—OTHER OPENINGS FOR LABOR BESIDES FARMING—CAPITAL FOR INDUSTRIAL ENTERPRISES—IRISH MANUFACTORIES—FISHERIES—COMMERCE—MINERAL WEALTH

THE labor question is beginning to loom up prominently in Ireland again. It is, however, by no means a new question. The Irish laborers' grievances are almost as old as those of the tenant farmers. There are said to be about 450,000 agricultural laborers in the country. These are a class usually considerably below the tenant farmers in rank and wealth. They very often live in villages at a distance from the farms on which they labor. One often sees clusters of laborers' cottages in passing through the country. They are quite picturesque at a distance, but it is, in most cases, the distance that lends the picturesqueness, for the evidences of extreme poverty that appear on a nearer approach often destroy the enchantment and produce a painful impression. These cottages sometimes have small patches of ground attached for gardens—generally less than half an acre. The laborers usually build them themselves. In many cases the walls are

of mud and the roofs thatched. The character of these houses, though still very poor, has greatly improved, as will be seen from the statistics in reference to dwelling houses, presented in a previous chapter. The reason why, in many cases, the laborers are not allowed to live on the estates on which they labor is that the poor rates are levied on small election districts in proportion to the relief needed in the districts, and that the presence of the laboring class increases the pauperism. It often happens that in the winter laborers of both sexes have to resort to the workhouses or obtain outdoor relief for two or three months. In these cases the expense would be charged on the district. Where the holdings are valued at more than four pounds the landlord and tenant each pay half the poor rates. They are therefore both interested in keeping the laborers living far enough away from the estate to be outside of the district. In some of the villages where numbers of laborers live the poor rates are two or three times as high as in the surrounding districts in which many of the villagers labor. In some cases the landlords formerly made it a rule to serve a tenant who allowed a laborer to live on his holding a notice to quit.

Forbidden to live on the estates on which they labor, these people sometimes turn squatters, settling down on waste land on the edge of a bog or by the mountain side, and building their cabins in very dreary places. An instance given in the Report of the Bessborough Commission will illustrate some of the worst cases. Rev. Mortimer O'Connor in describing the character of the dwellings of laborers in his district said, "You will have an idea of it when I tell you the case of one poor man who settled on a bog in my dis-

trict. His wife got sick and was confined to her bed. The horse got some complaint—the staggers I believe—and fell against the house, tumbling it down upon the old woman.” He related another incident of a woman who was describing in a case in court the sort of land that she got before it was reclaimed. The Judge said to her: “I suppose, my poor woman, the place you got was very poor land?” “Why, my lord,” said she, “if you hopped on it you would shake a half acre of it about you,” and the judge, jury and barristers all got into roars of laughter.”\*

Some of the landlords, it ought to be said, make provisions for laborers’ cottages. They are, however, exceptions to the general rule. The evils and inconveniences arising from the necessity of the laborers often having to go several miles to their work are very great, and a great source of complaint. “They are,” says Mr. Murphy, “much less cared for than the beasts of the field, not getting even a resting place on the land which they till, but driven to a hovel in the nearest village.”†

The labor which these men perform is usually of the most unskilled sort and the wages very low. Sir Robert Kane writing in 1845, lays emphasis on the poor pay given to the laborers and the poor work done by them. He says, “a wretched man who can earn 4*s.* or 5*s.* a week, on which to support his family and pay the rent of a sort of habitation, must be so ill-fed and depressed in mind, that to work as a man should work, is beyond his power. . . . Supplied with only the lowest descriptions of food and perhaps in

\* “Murphy, Ireland Industrial, Political and Social,” 254.

† “Report of Bessborough Commission,” vol. iii., p 759.

insufficient quantity, they have not the physical ability for labor." \*

There has been considerable improvement since Sir Robert Kane wrote, but the wages are still very low, except for skilled workmen who have always been well paid. They vary somewhat in the different parts of the country, but usually range from six to ten shillings per week. Throughout the western part of county Cork, laborers usually get sixpence a day, diet, and a cottage, with a little land for potatoes.

One is surprised to see how many of these laborers it takes to do a very small amount of work. When Irish laborers go to England or come to this country they are often noted for their energy and activity. At home, the opposite is often true. I know there are those who say the Irish laborer at home is an industrious and hard working man. I am convinced that those are more nearly correct in their statements who declare from experience that in Ireland as a rule, he does about half as much in a given time as English or Scotch laborers, or as he himself would probably do in England and Scotland. "They ought to get twice as much pay and do twice as much work," was the declaration of a gentleman of extensive experience and observation among laborers in Ireland and elsewhere. Irish laborers in this country sometimes speak of the lack of energy on the part of many of their countrymen at home. Most of the laborers would no doubt be glad to have the work and wages doubled. To get this accomplished is a difficult matter. The quantity of work must be increased or the number of laborers diminished. The security of tenure

\* "Industrial Resources of Ireland," 397.

at fair rents and the right to the enjoyment of their improvements, will no doubt gradually have an important influence on the fortunes of the laborers, encouraging the farmers to constantly improve their holdings and give employment to more men. There is great room for improvements on most of the farms. In fact, if the farming in Ireland were well done, the farmers making the most of their farms, the present force of laborers would not be sufficient. The progress in methods of farming will not be rapid enough to give the needed relief for many years to come. With this progress, or rather as a part of it, will come the much more general introduction of labor saving machinery, which will necessitate a further readjustment of the labor question. In some parts of Ireland the farm implements are of a very primitive sort, in others they are more modern. The laborers in view of the apparently scanty supply of labor, often oppose the introduction of labor saving machinery. When I was in Limerick, in the summer of 1881, a farmer whose laborers had struck, concluded to get a mowing machine to cut his grass. He came to town, purchased the machine, paid for it, and put it on his wagon. Just as he was about to start for home, several men came up and began to discuss the weather and other matters, and by and by turned their conversation to the new farm implement. The farmer suddenly concluded in view of what was said, that his chances for a career in that country would be better if he unloaded his machine, returned it, and paid the laborers the wages they wanted.

The reclamation of waste land has often been urged as a remedy for the difficulties of the labor question.

In fact, for a long time it was the chief remedy advocated for the evils of Ireland. I have already discussed the subject and also the need of emigration. Migration to other parts of Ireland would often be of great advantage if done intelligently.

The government might do something to stimulate other industries besides farming. We on this side the Atlantic naturally think of a tariff to protect and foster home industries as a remedy for some of these evils. It would, perhaps, be too much to expect English statesmen to seriously consider this as a remedy at present.

The rents which these laborers pay, are sometimes enormously high, and might be cut down with great advantage. Where they hold of the tenant farmers, they sometimes, pay three or four times as much rent to the farmer for their patch of ground, as he pays the landlord for the same land. They sometimes pay as much as six or eight pounds per acre for potato ground. There have been some provisions for encouraging the building of better houses for laborers by the government, advancing money on certain conditions. The Land Act of 1881, which prohibited sub-letting by a tenant who has a statutory term, declared that it shall not be considered sub-letting, within the meaning of the Act, for a tenant to let on certain conditions small parcels of land not exceeding half an acre each, for the use of laborers, provided not more than one such lot be let for every twenty-five acres or fraction thereof. This prevents the landlord from interfering to keep the tenant from living on the estate. Since the Act was passed a considerable number of half-acre lots have been let to laborers by the farmers. In many cases the farmers have been unwilling to do this. At the last session of

Parliament, an amendment was passed requiring in certain cases the tenant to build houses for and let lots to their laborers. The Land Commission has issued instructions for carrying out the provisions of the Act as thus amended, and the Commissioners of Public Works have provided designs for cottages and signified their willingness to advance money in convenient sums for building purposes.\*

During the past two years there has been a good deal of agitation in favor of improving the condition of the laborers. In the summer of 1881 a general strike for higher wages was threatened. There has been more or less uncertainty all along whether the farmers or the landlords would be compelled to bear the brunt of the agitation. The exorbitant rents sometimes charged by the farmers for very small lots, rents known by the laborers to be far higher than those which the farmers pay, and the fact that in other cases the farmers have refused to grant lots at all, avowedly, because of the danger of raising the poor rates, have caused considerable feeling against them in some places. There is, however, a great effort making to turn the whole force of the movement against the landlords. The ex-suspects have figured prominently in some of the labor-meetings, and the speakers and officers, the men who lead the agitation, are usually the same as led the agitation of the Land League. The tyranny of England and the oppression of the landlords are often denounced in these meetings, and the troubles all laid to the charge of the landlord class. While the tenant farmers are often responsible

\* The amendment will be found in the appendix immediately after the Act.



for not a little of the distress, there is a great effort to place the whole responsibility for it on the landlords.

A new association, the "Irish Labor and Industrial Union," was organized on the 21st of August, 1882. At a meeting held in Dublin on that day the following address to the Irish people was proposed by Mr. Parnell, and adopted:

"Fellow countrymen,—With the lessons of the past three years before our eyes, and fully persuaded that unity, energy, and lawful organization are objects upon which the Irish people have set their hearts, we have determined to found an association which shall extend to the interests of the different classes of the Irish population those efforts which have hitherto proved so fruitful in the direction of land reform. By general consent, the moment has come when, without detriment to the movement for the destruction of the feudal system of land tenure, a great national effort should be made to harmonize the interests of the trades and workmen of the towns and the laborers of the country in an organization to which each class might look for national regeneration. The laborers have an urgent and acknowledged claim in this respect. Legislators recognize that their lot is unendurable, and that the clumsy legislation which has sought to remedy it must be altogether remodelled. Their privation, their patience, their unselfish national spirit are proclaimed everywhere. To their co-operation whatever benefits the agitation of the last few years has secured, are, in a large degree, admitted to be due. Their co-operation is indispensable to any further measure of agrarian reform, and in prudence, no less than in common gratitude, the national credit is pledged to securing for the Irish laborers some such amelioration in their own condition as they have so loyally striven to bring about in the condition of the tenant-farmers. As the first portion of our work we appeal therefore, to the tenant-farmers who have obtained much and can obtain more through the exertions of the laborers, and to the industrial classes, who will by-and-by require the aid of the laborers in making the Irish trade revival a great and all-pervading national movement, to join us in obtaining for

laborers of Ireland the following benefits :—First, to secure for the laborers plots of ground and improved dwellings, and generally more favorable treatment from their employers ; secondly, to obtain such an alteration in the law as will further facilitate the acquirement of land by laborers, and the building of suitable dwellings thereon ; thirdly, to obtain the Parliamentary suffrage and a share in the local government of their counties for the laboring classes ; and fourthly, to encourage native industries and manufactures which will enlarge the field of employment. We trust it will be seen that the interest of all sects of the Irish population lies in a strenuous and cordial support of these moderate claims. An admission has been made in a high and authoritative quarter that the condition of the laborers will have to be dealt with in the immediate future by distinct legislation. We would impress upon the Irish people that the character of that legislation for good or for evil will be determined by the attitude of the laborers themselves, and by the spirit in which their moderate claims are approved and sustained by the whole force of public opinion in Ireland. To all who desire the welfare of the Irish people, and the strength of the Irish nation, to those who believe that labor has its own rights and that serfdom is not the natural condition of the laborer, to the friends of human liberty, all the world over, we look for help in this movement, most of all to those of our own race, here or elsewhere, who would wish to see Ireland the home of an industrious, prosperous, and free people."

Mr. Parnell thought that the laborer ought to be independent of his employer so far as his house and little plot of ground was concerned, and that local boards should be established, in the election of which the laborers should share, which would have power to take possession compulsorily of lands in suitable positions for the benefit of the laboring classes. Meanwhile he earnestly exhorted the laborers not to push their claims too far, or to advocate them in a way that would interfere with the law of the land or be objectionable to the tenants.

Mr. Dillon thought the question could not possibly be settled satisfactorily if the rents fixed by the Land Courts were accepted as satisfactory. "The laborers should not be improved at the expense of the tenants. The landlord—the useless class—ought to bear the cost." Another speaker urged that the laborers should so organize that they could say to the farmers when the harvest was ripe, "I must have a certain rate of wages." This the farmer would be compelled to pay. The latter would then say to the landlord, "I have to pay so much for the labor, I can not pay you so much rent." Thus in the end it would all be taken from the landlord.

An Executive Committee, of which Mr. Parnell was President and Messrs. Dillon and Davitt were members, was appointed. It seemed to be the purpose of the leaders of the organization to continue in this way the violent agitation formerly carried on by the Land League. The success of the attempt will depend largely on the ability of the leaders of the movement to harmonize the interests of the farmers and laborers—a rather difficult undertaking. The heartiness with which both classes sometimes hate the landlords will increase the chances of harmony between the two. Their interests, however, are different, and the tenants often show a strong disposition to lord it over the laborers in quite as objectionable a way as that which they complain of on the part of their landlords. The tenants have not, up to this time, taken hold of the matter with much earnestness. It does not seem probable therefore that the movement will be a national one, unless the two parties can be brought together on some common ground that does not

yet appear. The farmers have recently been denounced by some of the more active labor reformers for settling down to enjoy the benefits of the new land laws, regardless of their suffering brethren who till the soil. Labor Unions have been organized in many places, sometimes out of the elements of local branches of the Land League or Prisoners' Defense Associations. The laborers are too poor and weak to agitate effectively. If their cause can be coupled with some other great movement in which the tenants are interested, the chances of success will be better. The Liberal party is, to some extent at least, pledged to provide relief in this direction. This can be done by advancing money readily to enable them to build suitable cottages, first providing lots for these houses, by carrying out the amendment to the land law, or by appropriating money for the reclamation of the waste lands and for other improvements, dividing up the reclaimed lands among the laborers; aiding and encouraging manufacturing, agricultural, and commercial enterprises; and by assisting the surplus laborers to emigrate or migrate. It would be a great mistake, I think, to fasten these laborers on the land by giving them half-acre lots, with fixity of tenure, unless where the conditions are such as to make it pretty certain that they can live decently at their occupations. It would be better for them to have plenty of work at fair wages, enabling them to provide their own dwellings, than for the government to provide cottages and gardens in places where there is little or no work to be had.

Notwithstanding the fact that there are many very poor people in Ireland—so many that it is not possible for them all to live there under the present condition

without being in a state of chronic want and distress,—there is considerable wealth in the country and there has been on the whole a steady increase during the past thirty years. Apparently reliable estimates indicate that the capital of Ireland has nearly doubled since 1858. In the latter year it was estimated at £28 per head of the entire population, while in 1880 the same statisticians placed it at £53 per head.

The following table, taken from statistics compiled by Dr. Neilson Hancock, shows the amount of deposits in the banks of Ireland since 1840:

1840 . . . . .	£5,563,000	1860 . . . . .	£15,609,000
1841 . . . . .	6,023,000	1861 . . . . .	15,005,000
1842 . . . . .	6,417,000	1862 . . . . .	14,389,000
1843 . . . . .	6,966,000	1863 . . . . .	12,967,000
1844 . . . . .	7,601,000	1864 . . . . .	15,623,000
1845 . . . . .	8,031,000	1865 . . . . .	18,619,000
1846 . . . . .	8,442,000	1866 . . . . .	20,957,000
1847 . . . . .	6,493,000	1867 . . . . .	21,794,000
1848 . . . . .	7,071,000	1868 . . . . .	22,164,000
1849 . . . . .	7,470,000	1869 . . . . .	22,673,000
1850 . . . . .	8,269,000	1870 . . . . .	24,366,000
1851 . . . . .	8,263,000	1871 . . . . .	26,049,000
1852 . . . . .	10,773,000	1872 . . . . .	27,214,000
1853 . . . . .	10,915,000	1873 . . . . .	28,194,000
1854 . . . . .	11,666,000	1874 . . . . .	29,859,000
1855 . . . . .	12,286,000	1875 . . . . .	31,815,000
1856 . . . . .	13,753,000	1876 . . . . .	32,815,000
1857 . . . . .	13,113,900	1877 . . . . .	32,746,000
1858 . . . . .	15,131,000	1878 . . . . .	31,745,000
1859 . . . . .	16,042,000	1879 . . . . .	30,191,000
		1880 . . . . .	29,350,000

The greater part of this money which, in a healthy condition of things, would be employed in various industries at home, is now circulating in London. The banks pay from one and one-half to two per cent., and

are said to flourish in a remarkable degree by transferring these deposits to the better market of London.

I have already spoken of the want of proper investments for capital in Ireland as one of the reasons why tenants sometimes offer to pay high prices for the interests and exorbitant rents for the holdings of others. The tenants now have an opportunity to invest capital in improvements and a guarantee for the security of their interests. This will, no doubt, have a wholesome effect. A large amount of these deposits might well be used in improvements that would greatly increase the productiveness of the country and give employment to laborers.

The manufacturing enterprises of Ireland are on the whole at a low ebb. The linen manufacture, however, still flourishes in Ulster. The latest statistics show that its prosperity is on the increase. An allied branch of industry is the "sewed muslins" manufacture, which has recently sprung up in the North of Ireland and, gives employment to about 300,000 persons, chiefly girls and women. Woolen manufactures, which once flourished, now languish, except in a few places. Blarney tweeds are produced in increasing quantities to supply an increasing demand. It is said that about 5000 men are employed in cotton manufactures. The Balbriggan hose have long been famous, and the production has been increasing in recent years. Dublin stout and porter are manufactured in large quantities, and are an important item in the exports of the country. The shipbuilding of Belfast is perhaps the most flourishing industry in the country.

Some of those who a few months ago were violent agitators, are now urging the fostering of Irish indus-

tries. This is a good indication. If wise counsels prevail in regard to Irish manufactures, a great deal will be done for the relief and prosperity of the country.

The facilities for manufacturing enterprises are in many respects excellent. If something could be done for a time to stimulate such industries they would in all probability flourish. The recent exhibition of Irish industrial products has excited a good deal of interest among the people, and may lead to important results.

The fisheries of Ireland offer an inviting field for enterprise. They have always been regarded as very valuable, but have never been worked with sufficient skill and enterprise. Much more might be made of them. The salmon fisheries are among the most important. They employ upwards of 11,000 men. Their annual value is estimated by the inspectors of fisheries at £400,000. The herring fisheries are also important, employing 2000 vessels, and realizing something like £100,000 annually. The number of men and boys employed in the deep sea and coasting fisheries in 1880 was 24,548. The exports of fish in 1880 were valued at £976,765.

The commerce of Ireland has increased to an encouraging degree during the past few years. The tonnage of the three principal ports, Belfast, Dublin, and Cork has doubled since 1856, which is a very good showing. It would be hard to find a country of the same size with so many excellent and beautiful harbors. If the new fast line of steamers that has been talked of lately is established between this country and Galway, an impetus may be given to Irish commerce.

There is a great deal of difference of opinion in reference to the mineral wealth of Ireland. A good many mining projects have been set on foot, and often

not a little interest manifested. The amount of wealth realized from this source has not been very great. An Englishman who was somewhat familiar with mining operations, recently said, "There has been more money lost than made in Irish mines."

If other industries were developed, and wealth and energy increased, the value of the mineral resources of the country would speedily be tested.

That there are great undeveloped resources in Ireland does not admit of a doubt. Whether the best plan is to obtain government aid for their development, or allow the ordinary laws of trade and economy to work out their natural results, is a question deserving the serious consideration of the people of the United Kingdom. "*The Protectionist*," (Liverpool), urges protection for Irish industries as the remedy for all the ills of Ireland. Where there is so much disorder and lawlessness as there has been in Ireland for so many generations, there is a natural hesitancy on the part of capitalists about investing money in industrial enterprises. The risk is too great, and they turn to more peaceful communities to establish their enterprises.



## CHAPTER XXVIII.

EDUCATION—RELATION OF EDUCATION TO THE LAND TROUBLES—THE GLORY OF ANCIENT IRISH LEARNING—EFFECT OF THE PENAL LAWS—RECENT PROGRESS—INSTITUTIONS FOR THE HIGHER EDUCATION—UNIVERSITY OF DUBLIN—ROYAL UNIVERSITY—MAYNOOTH COLLEGE—PRESBYTERIAN COLLEGE—QUEEN'S COLLEGES—INTERMEDIATE EXAMINATIONS—THE COMMON SCHOOLS OF IRELAND—GREAT DECREASE OF ILLITERACY—MATTHEW ARNOLD AND DR. PLAYFAIR ON IRISH EDUCATION—PROF. FAWCETT ON COMPULSORY EDUCATION—IRISH SCHOOLBOYS—A CONUNDRUM—AMERICAN INFLUENCE—THE IRISH LANGUAGE RAPIDLY DISAPPEARING.

IN considering Irish troubles, the subject of the education of the people cannot be ignored. One often hears the ignorance of the masses of the people contrasted with the intelligence of the landlords. One of the difficulties in the way of placing the relations of landlord and tenant on the simple basis of contract, is this disparity in general enlightenment between the two. It is not simply the better knowledge of financial affairs, and of the laws and methods of the courts, that gives the landlord a great advantage over the tenant. In general knowledge, and experience of men and things, he is usually far in advance of the latter. In some parts of the country the ignorance of the people of almost everything beyond their huts and potatoes and pigs, their entire lack of practical sense and judgment, and of that energetic and progressive spirit which advancement in education is apt to bring, has hitherto been one of the greatest hindrances to the

progress of the country. With this ignorance there has often been coupled superstition, and a tendency to indolence, increasing poverty, distress and discontent.

On the other hand, the Irishman is famous, the world over, for quickness of wit and appreciation of the ludicrous. Even in the most out of the way places, among the very poorest classes, the people are wide awake for a joke. Some faults may be pardoned in a man who can see a joke. Most Irishmen are fluent talkers, have a good command of language, and will talk to you by the hour about their history, traditions, laws and usages, discoursing eloquently on the wrongs of their country and the tyranny of England. I was surprised to find how much law some of these Irish tenants appear to know. It isn't always good law in the courts, although there is really a surprising amount of knowledge on this subject among the people, but the Irishman often thinks it is the "râle" law after all, the court to the contrary notwithstanding. The lack of practical judgment and wisdom is a great drawback among certain classes of the people.

Among the upper classes in Ireland one often meets men of remarkable intelligence. I have found among priests, clergymen, lawyers, doctors, professors, landlords, business men, and editors, many men of extensive and varied learning and culture. I was surprised to find the newspapers, as a rule, so ably edited. These papers often contain much fuller accounts of the proceedings in Parliament than our best city papers publish of the debates in Congress. The newspapers have done a great deal in the way of educating the people, and have often added greatly to the fury of the agitation.

The Irish people treasure up the traditions of the former glory of their race derived from its learning and literature. There is evidence that at one period Ireland was far in advance of England in these matters. She was "the home of learning," "the nursery of saints and scholars," to which great numbers of pious students resorted, and from which they went out to preach the gospel to other nations. Even when the Normans invaded Ireland learning and literature were highly prized among the better class, and the Norman nobles found the manners and habits of the Irish gentry so attractive that they soon became "more Irish than the Irish themselves"\* It is not my purpose to follow the history of education in Ireland through the long period that intervenes between the invasion of the Norman adventurers, under the pious but hollow pretext of supplanting ignorance and vice by "learning and religion," and the present. There is no doubt that dense ignorance prevailed among certain classes of the people, even before the penal laws made it impossible for eleven-twelfths of the people to secure an education without imperilling the faith which they held dear beyond the blessings that learning would confer. When Catholics could not be teachers without being guilty of treason-felony, or send their children abroad for instruction in Catholic schools without the forfeiture of their property and every valuable right of citizenship, although many a Catholic schoolmaster taught classes clandestinely in secret retreats, the whole tendency was toward ignorance. One of the most fruitful sources of Irish bitterness toward Eng-

\* See Currie on the Materials for Early Irish History, and authors cited by Lecky in England in XVIIIth century, vol. ii. chap. vii.

land was this crushing out of Catholic education. While the provisions of the penal laws have been swept away, their baneful effects, and the bitterness implanted by them, have not yet disappeared. The education question for Ireland has not yet been fully settled, although wonderful progress has been made during the past fifty years. Few countries can show a better record of progress.

Institutions for the higher education have increased in number, and flourished. The oldest university is that of Dublin, which was founded in 1591 by a charter of Queen Elizabeth. It has extensive courses of study, and has numbered among its professors and students many learned and distinguished men. Its library is a large and valuable one, its annual income about \$300,000, and the students in attendance number about one thousand.

In 1845, three new Queen's colleges were established, at Cork, Galway and Belfast. These rapidly grew in importance, and have able faculties and good facilities, particularly for scientific instruction.

The recently established Royal University of Ireland is an institution similar to the University of London. Examinations are held and degrees conferred, but the students, except in Medicine, are not required to attend recitations or lectures, but pursue their studies wherever they choose. In this way, persons of all religious denominations can be educated at their own denominational schools, and still have the benefits of the university's degrees and examinations. Ladies are not excluded from applying for degrees. The annual sum of £20,000 has been appropriated from the Irish Church Fund to defray expenses. The institution is

regarded with great favor in many quarters, and it is likely to occupy an important place in the future.

Maynooth College, for the education of Catholics for the priesthood, is one of the most important Catholic institutions of learning. It received in 1871 a grant of £372,331 from the Irish church funds as an endowment to take the place of annual grants that had previously been made by Parliament. Besides Maynooth there are quite a number of Catholic colleges, and a "Roman-Catholic University," which are in a flourishing condition.

The General Assembly's Theological College at Belfast educates the majority of Irish Presbyterian ministers and is a prosperous institution. Besides these and other colleges there are a number of endowed and private schools.

The provisions of the Intermediate Education Act are somewhat similar to those of the Royal university. By this Act which was passed in 1878, £1,000,000, a part of the Irish surplus fund, was set apart "for the intermediate education of the boys and girls of Ireland." "The administration of the fund is entrusted to a Board of seven commissioners, who with two assistant commissioners are to apply its revenue for the purposes of the Act, (1) by carrying on a system of public examinations; (2) by awarding exhibitions, prizes, and certificates to students; and (3) by the payment of results, fees to the managers of schools, fulfilling certain prescribed conditions." The system, though it has been in operation but a short time, is looked upon with much favor by many people, and promises good results in the way of stimulating boys and girls of the better class to a higher degree of proficiency in many important

studies. "The examinations are held once a year in three grades, Junior, Middle, and Senior, between the first of June and first of August, at centers selected by the board, and in the following subjects: The Ancient Language, Literature, and History, (1) of Greece, and (2) of Rome; the Language, Literature, and History (3) of Great Britain and Ireland; the (4) French, German, Italian or Celtic Language and Literature; (5) Mathematics (including Arithmetic and Book keeping); (6) Natural Sciences, and (7) Music, or Drawing, or such other subjects as the Board may from time to time prescribe." The students attend their own schools, or study privately, as they think fit. I have met numbers of boys and girls who were studying for these examinations, and have looked into some of the examination papers which in some cases at least seem quite formidable. While there appear to be some serious drawbacks to the system, there is much in it to stimulate boys and girls to a higher degree of proficiency in their studies than they would otherwise attain. In 1879, the year after the system was established, there were 3,954, in 1880 5,561, and in 1881 upwards of 7,000 applications for examination. One of the interesting results of these examinations is that a larger per centage of boys than girls fail.

For more elementary instruction there are a number of endowed private and denominational schools, affording accommodations for a considerable number of pupils. These, however, have not flourished since the National schools came into prominence. I have found many Americans who were greatly surprised to learn that there is in Ireland a common school system providing education for the children of all classes. These

schools which were first organized in 1831, are "open alike to Christians of every denomination," no pupil to be required to attend at any religious exercise, or to receive any religious instruction which his parents or guardians do not approve, and sufficient opportunity is to be afforded to the pupils of each religious persuasion to receive separately, at appointed times, such religious instructions as their parents and guardians shall think proper. Large numbers of school-houses, formerly managed as local or private enterprises, have been received under the care of the Board, the former managers being allowed to retain the privileges of appointing and removing teachers, and of caring for the general conduct of the school. Landlords sometimes build school-houses on their estates, and place them under the care of the National Board. Some of these houses present quite a neat and comfortable appearance. In the poorer parts of the country they are often small, but better than the dwellings of many of the people.

During the first few years the system did not meet with much favor. The Catholics and Protestants alike disliking purely secular education. It was found impracticable to provide religious instruction for both classes, and there was religious instruction given at certain hours when the pupils of a different religious persuasion from the teacher were required to be absent. To this rule of enforced absence the Protestant teachers strongly objected, and the rule was finally so modified that no child was to be prevented from being present at religious instruction contrary to his registered creed, but the first time a pupil was present at such instruction, his parent was to be notified of the fact by the

teacher. On the adoption of this rule the Episcopalians and Presbyterians seem to have withdrawn for the most part their opposition to the system. There is occasionally a difficulty in regard to the appointment of teachers of this or that religious denomination. The priests or clergymen very often have control over the appointment. The general tendency is toward more strictly secular instruction. The following table will show the rapid growth of these schools in popular favor :

	Number of Schools.	Pupils en- rolled.	Average attendance.	Grants of money by Parliament.
1841	2,337	281,849		£50,000
1851	4,704	520,401		134,560
1861	5,830	803,364		285,377
1871	6,914	972,906		408,388
1880	7,500	1,083,020		722,366
1881	7,648	1,066,259	453,567	

While the same text books are used all over the country, there is a very great difference in the degree of proficiency acquired in different districts. In some places the amount of knowledge imparted is very limited indeed. And yet the illiteracy has diminished rapidly, and is at present considerably less than in Russia, Spain, Italy, and some other European countries. The comparative illiteracy in different periods is shown in this table :

	<i>Per cent. unable to read OR write.</i>	<i>Per cent. unable to read AND write.</i>
1841 . . . . .	53	72
1851 . . . . .	47	67
1861 . . . . .	39	59
1871 . . . . .	33	51

The returns for 1881 are not yet accessible, but



enough is known to show that progress is still making, and ignorance rapidly diminishing; this decrease in illiteracy has been due to a considerable degree to the National Schools. There are many, however, who are not satisfied with the system. The Catholics would prefer a system that would enable them to teach more in accordance with their theological views, and the Protestants would like greater freedom in the use of the Bible. Mr. Matthew Arnold has written an interesting article on "An Unregarded Irish Grievance,"\* in which he presents the Catholic view of the matter strongly. An Irish Catholic said to me in regard to Mr. Arnold's paper, "He seems to have the rather unusual faculty of putting himself in our place, and looking at things from our standpoint." A few years ago Dr. Playfair made a speech in the House of Commons, in which he showed the defects of the system and the need of changes.† Mr. Dillon said in the House a few months ago, that if the Prime Minister wanted to know what the Irish members thought of the National Education System, he should appoint the Irish members and Dr. Playfair a committee to report on it. Dr. Neilson Hancock and other distinguished scholars have urged that attendance be made compulsory in order to prevent the absence of large numbers of the pupils for the greater part of the year. There appears to me quite a tendency toward extending the acts for compulsory education in England and Scotland to Ireland. Professor Fawcett, the present Postmaster-General of England, in his speech at Shoreditch, September 26, 1882, expressed the view of many intelli-

\* "Irish Essays," 82.

† "Hansard's Parliamentary Debates," Vol. 122, 1319.

gent Englishmen on the subject, when he said: "I may, perhaps, be permitted to refer to one subject, which shows in a striking manner the difference which, with regard to one important part of administration, still exists between Ireland and the rest of the United Kingdom. If we were asked to mention one of the greatest works of legislation which has been accomplished during the past twenty years, many of us, I believe, would say that nothing which has been done is likely to be more far-reaching in its beneficial consequences than the recognition of the principles sanctioned by the Educational Act of 1870—that no child should be permitted to grow up in ignorance. It seems however, to be too frequently forgotten, that although this principle has been applied to England and Scotland, it has not yet been applied to Ireland. Every child of school age in England and Scotland is compelled to attend school. Education is regarded as so essential that the State steps in between the parent and the child, and compels the parent, whether he wishes it or not, to send his child to school. But if education is thus so essential in England and Scotland, why is it less so in Ireland? The Irish child will certainly in after life need, not less than the English and Scotch child, all that additional moral strength which results from mental training "

One of the pleasant features of travel in Ireland is the bright faces of the Irish children that one sees on their way to school, not "creeping like snail unwillingly," but apparently quite joyful and happy. I have sometimes got off my jaunting car and trudged along with them, looking into their books, and getting their notions of things. I once traveled with an Irish priest, who was very fond of

getting a group of these school-boys together, and telling them good "American" stories. He sometimes awakened the echoes in this way. Every last one of them was quick to see the point. He once created a furor among the boys of a school by catching the boy, who was put forward as the smartest boy in school, with the conundrum, "Should I say seven and five *is* or seven and five *are* eleven?" The boy's quick answer "seven and five *are* eleven," was greeted by loud shouts and caps tossed high in the air.

There are a number of other influences, besides the schools, which have done much to diffuse general information. I have already mentioned the newspapers. In a third class railway car, in which there were probably twenty-five Irish farmers and laborers, I noticed that more than one-half of the people read the morning papers, even those who looked the least intelligent, showing a great interest in the news. I discovered the man who sat opposite me, and who was a rather ragged-looking individual, read the other side of my paper with evident interest. The violent agitation has helped on the influence of the press, and set the people to reading. The influence of Irishmen living in this country and England, in disseminating new ideas and a desire for knowledge, ought not to be overlooked in any estimate of the educational forces at work in Ireland. Letters, papers, revisits and influences exerted in a great variety of ways, have not only done much to increase the desire of many of the people for better material comforts, but for knowledge and culture as well.

The Irish language is rapidly disappearing, the English supplanting it even in the most remote districts of the West. In 1841 there were 1,204,684 persons in

Ireland who could speak both Irish and English, and 319,602 who could speak Irish only; in 1871 there were 714,313 who could speak both languages, and 102,562 who could speak Irish only. I was once present at a judicial investigation in Mayo, where seven of the eleven witnesses declared themselves unable to speak English, and could answer only through an interpreter. When, however, the characters of one or two of them began to suffer from the testimony of subsequent witnesses, they talked back in the purest and most emphatic sort of Anglo-Saxon.

A society for the preservation of the Irish has been recently formed, and numbers among its counsellors and members, many prominent Irishmen. The society aims to preserve the Irish as a spoken language, by encouraging its familiar use by those who know how to use it; by offering premiums for proficiency in the study of it; by the formation of classes and associations in its study; by the publication of cheap elementary works from which the language can be easily learned; by furnishing such books to classes and associations at reduced prices, and by encouraging the production of a modern Irish literature, original and translated. Some of the elementary books have already been issued, and the society seems disposed to push its work forward with great zeal and enthusiasm. However beautiful and cultivated the Irish language may have been in its prime and glory, there can, I think, be no doubt about its being much better for the Irish people to learn to read and speak the English and become acquainted with its literature, law, philosophy, theology and science, than to spend their energies in trying to revive the old Celtic speech. Irish is inter-

esting and valuable for scholars for archæological and philological purposes, but the poor Irishman on his native bog or mountain, has not time to learn both the Irish and English, and, of the two, the English is undoubtedly, infinitely more valuable to him. The Irish has often proved a serious barrier to the progress of knowledge and civilizing tendencies in the most remote and wretched parts of the country. Happily the national schools, and newspapers and general tendencies of the times will do the good work in spite of the mistaken zeal of those who would induce their countrymen to make progress backwards.

There are many things in the condition of the Irish people that are deplorable and unpromising. The progress of education during the past fifty years is, however, a good symptom, and gives ground to hope that there may be a brighter future for that most unhappy country. There is much in the history and traditions of the people, in their poetic legends, in their tales of ancestry losing themselves in the remotest past, and in their enthusiastic and imaginative nature to encourage the belief that, if the conditions were favorable, the country would become famous for poetry and literature, science and arts.

## CHAPTER XXIX.

THE "ALIEN" GOVERNMENT—OLD ANIMOSITIES—THE CONFISCATIONS—RELIGIOUS ANIMOSITIES—THE IRISH NOT ALLOWED TO FORGET THE PAST—REFORMS WANTED—EXTENSION OF THE RIGHT TO VOTE—THE BELFAST HARBOR BOARD IN PARLIAMENT—OBJECTION TO THE GRAND JURY SYSTEM—THE CASTLE—DEMOCRATIC ROTATION IN OFFICE DEMANDED—THE COURTS "TOO ENGLISH"—"WOULD YOU LIKE AN IRISH LORD LIEUTENANT AND CHIEF SECRETARY?"—ANSWERS BY PROMINENT HOME RULERS—MR. TREVELYAN—MR. GLADSTONE'S INTIMATE KNOWLEDGE OF IRISH AFFAIRS.—"THE ARMY OF OCCUPATION."

IN many of the speeches of the Irish agitators numerous references are made to the "alien" government which exercises tyrannical control over the Irish. That this feeling is very strong among many of the people is quite certain. So long as Ireland was ostensibly ruled as a conquered province it was not to be wondered at that the government should be viewed in this light. When the union occurred and the English government undertook to share with Ireland the rights and privileges of her citizens, the feeling of the Irish people that they were being ruled by a foreign nation should have disappeared. That it has not done so is greatly to be deplored. Into the reasons for it I shall not enter at length. To do so would be to recount the history of England's relations to Ireland from the time when Henry II. got the permission of Pope Hadrian IV. to invade the country. The characteristics of the Celtic race, too, would have to be considered, and the peculiarities of the climate, soil, &c. be taken into the account.

The Irish can not forget that they are a conquered race. They recall the long bloody struggle with a superior power, the insurrections for liberty subdued, the massacres avenged, the schemes for independence nipped in the bud, the avowed purpose of some of the English leaders "to root out the Irish from the soil," the course pursued apparently to carry out this purpose, the confiscations and re-confiscations of property made, they allege, because the people hated injustice and wrong, and rebelled against them, or on flimsy prettexts or the slightest informalities in respect to titles.\* The Irish regard these confiscations as simply robberies, and all through the war against the landlords, one can clearly perceive the influence of this way of looking at them. Then the penal laws which operated so successfully against the acquisition of property by Catholics, and nearly crushed out every aspiration for learning, producing poverty and ignorance, wretchedness and degradation, leading the people to all sorts of shifts and means of deception to gratify their desire for property and education, and the enjoyment of the rites and ministrations of their cherished religion, left behind them effects which it will require many years of pros-

\* The proceedings of which most complaint is made were the confiscation which followed the rebellions of the Earl of Desmond, in the reign of queen Elizabeth, when 574,623 acres were confiscated by a vote of the Irish Parliament declaring Desmond and his followers attainted of treason, when Sir Walter Raleigh, Lord Burleigh and the poet Spenser and other Englishmen became "undertakers," and got large seigniories ranging from 3,000 to 42,000 acres; the expulsion in the reign of James I. of the Irish from part of Ulster, by which 2,836,837 acres were confiscated and planted with English and Scotch, the ancestors of the Ulster Presbyterians; Cromwell's frightfully bloody campaign ending in the transfer of 7,800,000 acres from the Irish Catholics to Cromwell's followers; and the confiscation that occurred after the invasion of William, in which 1,060,792 acres were forfeited by their Irish proprietors.

perity and peace to wholly efface. The struggles for Catholic emancipation, the abolition of tithes and the disestablishment of the Irish church all ended in favor of the proposed reforms, but the bitterness of those strifes has not wholly passed away. I have frequently been told that the religious question has nothing to do with the present troubles. Perhaps the masses of the people are not at all conscious of its influence. One who travels through Ireland, talks with all sorts of people, and studies carefully the state of their minds and feelings will find that the religious animosities are not yet dead.

It was on the knowledge of this fact that the men relied who recently undertook to disparage the trials in the cases under the Prevention of Crimes Act by asserting that the juries were packed by excluding Catholics. Complaint is often made that the great majority of important positions are filled by Protestants, and that the government over a people largely Catholic is too Protestant.

An Irishman who showed me the new Irish Cathedral at Limerick said with some feeling: "We had a most beautiful Cathedral once, but the English took it from us." Protestants will very often tell you that the trouble arises almost wholly from the Roman Catholic system of priest-craft, from the great power that the priests exert upon the people, preventing freedom of thought and extracting from the poor people very much larger sums than they can afford to pay, and from the consequent poverty. The Catholics often charge the Protestants with the responsibility for the general poverty and degradation of the people, and with an unreasonable distrust of the Catholics, and a fear lest the



latter may retaliate for their former wrongs if they get into power. The more intelligent of both classes are much more free from these old feelings of hatred and distrust. I am aware, that in some of the former movements looking toward repeal or independence the Presbyterians have taken a leading part, and that Mr. Parnell and some other prominent members of the Home Rule party are Protestants. It does not, however, therefore follow that the religious animosities of the past are without their effect on the masses."\*

The Irish complain 'that the English will not allow them to forget the past,' as many of them would like to do, but keep constantly reminding them of their dependent position. While they nominally form a part of the empire, they have not, they claim, the same rights as those who live in England or Scotland, and this difference is a badge of subjection to their conquerors. For example they complain that Irish members of Parliament are not consulted in regard to Irish affairs and that the right of voting is nothing like so general in Ireland as in England. They have repeatedly brought bills into Parliament proposing to equalize the franchises, but these measures have just as regularly been defeated by English votes. The present government is said to be pledged to reforms in this direction, and the right to vote will no doubt be as general in Ireland as in England if the Liberals

\* "On the night of the 3d April, 1881, those of the Roman Catholic Church in Ireland amounted to 3,951,888; those returning themselves as belonging to the "Church of Ireland," "Irish Church" to 578,593; and as "Protestant Episcopalians" to 57,077; Presbyterians numbered 485,503; Methodists, 47,609; Independents, 6,014; Baptists, 4,894, and the Society of Friends 3,696."—Thom's Official Directory, page 637.

remain in office a few years longer, and the obstructionists do not prevent.

Last July I heard a discussion in the House of Commons on a bill to allow the Belfast Harbor Board to borrow a large sum of money for improving the harbor. Everybody seemed to admit that the improvements were greatly needed. But some of the Irish members made violent speeches against the measure, taking up a great deal of time and delaying other business because the franchise for the harbor commissioners was forty pounds. There were evidently a great many of the members of the House in favor of a more popular franchise but it was stated by Dr. Playfair, Chairman of the Committee, that, owing to certain formalities that had to be observed, if the franchise were changed before the bill became a law, it would be utterly impossible to have the much needed funds for improvements this year. In reply to some of the violent speeches against the measure Mr. Mitchell Henry said 'that Belfast was the one very prosperous city in Ireland, that she was prosperous largely because of her harbor and her commerce. The honorable gentlemen who were so violently opposing this greatly needed provision for extending the commerce represented the decaying boroughs of other parts of the country. He sincerely hoped they would not insist upon casting their blighting influence upon the prosperity of Belfast.'

The grand jury system of Ireland has been the subject of frequent complaint. The county government in Ireland is to a great degree in the hands of the grand juries. The grand jury assesses the tax for making and repairing roads, bridges, court-houses and prisons, for prison and police expenses, salaries of county officers,

public charities, etc. It also has control of these and various other matters, among them the levying of damages for malicious mischief on the people of the district in which the injury has been done. These grand jurors represent only the wealthy landlord class. Up to 1870, they did not pay any county taxes and voted away the money which they did not contribute. By the act of 1870 the landlord was required to pay half the county cess. Thus the grand jurors now represent a portion of the tax-payers only, formerly they represented only non-tax-payers. Mr. Healy recently made a vigorous attack on the system in the House of Commons. He urged that it was wholly in the interest of the landlord class, and had great powers which it might use in such a way as to do great injustice to the masses of the people, and that it was not at all in harmony with the Liberal party's theories of local government by the people. He therefore moved "that in the opinion of the House the grand jury system of Ireland is in need of immediate reform." Members of the government declared their willingness to support a measure by which taxation and representation should be made to go together. Members of all parties admit the need of a reform, and a change will no doubt be speedily made.

The "Castle" is an object of frequent attack by Irish orators and writers. A gentleman well known as a man of letters in this country said to me in reference to it, "It is like a veritable old medieval castle, the lord of which never descends except to punish or plunder the people." It represents the alien government, and is the headquarters of the army of occupation. I had supposed that it was peopled by Englishmen of

the most cruel and tyrannical character. Greatly to my surprise I found that with few exceptions the occupants were Irishmen, appointed, not for political or military reasons, but on examination. The English civil service system extends to Ireland and there are none of the wholesale clearings out of clerks when a new administration comes in that we complain of here. There are Englishmen in clerkships in Ireland, but they are appointed in accordance with the same rules as Irishmen. The civil service is one, and Irishmen have the same right to apply as Englishmen. The fact seems to be that in England also there is a very large proportion of Irishmen in the civil service. One of the objections to the castle is that the persons employed there have too much security of tenure. "They keep up all the old traditional methods of tyrannical oppression, all the old scores and prejudices against individuals and classes are preserved, and when a new Lord, Lieutenant or Chief Secretary is appointed there is no change in the methods of government. The new chiefs are coached and get their information and ideas of the people mainly from the permanent officials in the castle. The government changes but the castle remains immovable and maintains the old and objectionable system," is the sort of talk that one frequently hears. Even the Dublin Irishman wants Democratic rotation in office.

Many of these officials are remarkably intelligent and agreeable men. The objection to the English civil service system, that the officials become a distinct class, has more force in Ireland than in England. The government in Ireland has to meet a great deal of prejudice, many of the people being predisposed at the

outset to regard it as alien. If the staff of employees could be changed occasionally, and new elements in sympathy with popular movements brought in more frequently, there would possibly be less discontent. The people not only want to be governed in accordance with Irish ideas, but modern Irish ideas, and would be pleased with men who were supposed to be represent them. It is a question how far the actual administration of the government in Dublin has failed to keep pace with the liberal and progressive spirit of the times.

It ought to be said that there is a very considerable portion of the people in Ireland, including most of the wealthier and more intelligent classes who do not at all join in the violent attacks on the castle, but regard the objections constantly made by others as purely factious. "What we want is the better enforcement of the laws," one of them said. "The business men of Ulster," another writes, "are generally inclined to censure the government for too much weakness and vacillation in enforcing the law. We want a settled policy that will insist on punishing crime and supporting the law." The changes of policy of the government have been the subject of criticism for several hundred years. Spencer dwells upon their evils. Coercion is tried for a time and fails. The party of peace and conciliation then get their views embodied in a policy, and that too is ineffectual, and another change is made. There have been more than fifty coercive measures during the present century. Instead of a steady, firm administration of the law there is a constant fluctuation from conciliation to coercion and back again.

It has often been urged that the courts are organized too much in accordance with English ideas, and that

the judicial appointments are too English. The law is in the main English law, and the English element representing in many ways the wealthier and more intelligent classes, it is natural that it should contribute a large proportion of the judges and officers of the court. The resident magistrates are appointed by the government. Recently, on the Prevention of Crime Act going into force, quite a number of these men who had been in office were removed, and their places supplied by new and younger men sent over from England. The people objected strongly in some places to these changes. In these cases they preferred fixity of tenure. It matters little what course the government pursues, there are always plenty of people to object. "The truth is, the Celt likes a grievance," is the way in which two very distinguished Irishmen with whom I talked, put it. They explained their remark by referring this disposition to the effect of the history of the Celtic race in Ireland upon an imaginative temperament, &c.

I once heard the remark, "If the Irish had a republic and elected their own president to-morrow, the next day the majority of them would be 'agin the government'," I confess with all my sympathy with these people in their struggles for reforms greatly needed, I have great doubts about their being able to live in harmony under any form of government that they themselves would devise. The greatest variety of opinions, each held strongly, is found.

"Do you consider it a grievance that the Chief Secretary of Ireland is an Englishman?" is a question that I put to a number of prominent Irish Nationalists. Two of them said "No, Englishmen have been educated for generations to ideas of liberty, and an intelli-

gent, broad-minded Englishman is far less likely to be oppressive than an Irishman. Some of the very worst landlords have been Irishmen. Irishmen have been accustomed to subjugation for so many generations that their notions of liberty and law are by no means so broad as those of the better sort of Englishmen." In answer to the same question Mr. Parnell said, "I am glad an Irishman is not appointed. It is all we can do as it is to keep our party together, the English bribe so many of them with offices." A fourth said in reply to the inquiry whether Mr. Gladstone would not have gone a long way toward settling the difficulty by appointing Mr. Parnell Chief Secretary, "If Mr. Gladstone had appointed Mr. Parnell, or any prominent member of the party, the other members of the party would have asserted that he was bribed with the office, and would have opposed him more violently than the staunchest Englishman, while the English people, with a few exceptions, would have been up and in arms against the government for bargaining with treason." Others urged that the masses of the English people so thoroughly distrusted the Irish, that the government would not dare to appoint an Irishman of the advanced type. Some of the more extreme members of the Irish party would not like to see an Irishman made either Lord Lieutenant or Chief Secretary, as it would take away from the alien character of the government and their grounds of appeal for Home Rule.

Notwithstanding the difficulty, where the two parties are anxious to fly at each other's throats, of getting an Irishman of ability who would not be more objectionable to one of the parties than an Englishman would be likely to be, it would, I think, do something toward

settling the troubles, to fill these important positions with Irishmen who would be sufficiently in sympathy with the national feeling to take away the ground for the charge that the government and officials are entirely foreign.

The present Lord Lieutenant is personally very popular in Ireland. Mr. Trevelyan, the Chief Secretary, is well known to many of the American people. We laid aside our metaphysics and classics, our poetry and novels, to read with delight the Life and Letters of Macaulay. The Irish members of Parliament generally regard him as particularly reasonable and fair, sympathetic, and earnestly anxious to do all that lies in his power for their country, although to some of them he represents a hated government and a foreign system. An Irishman who has all his life taken a most active interest in the movements for reform and Home Rule, and who thought nothing could quite equal in atrocity "The Preventions of Crimes Act," said "there are only two things that give me hope, the good crop (this was in August, '82) and the character of the new Chief Secretary. Mr. Trevelyan is a man of great ability, but much more than that, he is a man of quick sympathies. One touch of sympathy will do more to restore order in Ireland than a dozen Coercion Acts."

The objection is often made to the English administration, that the English people do not understand Irish affairs and Irish feelings. In reference to the first point no doubt instances of gross ignorance and indifference on the part of English writers, legislators, and officers occur. The English middle class in many cases do not understand the feelings of the Irish. On the other hand it is quite as true, I believe, that some of the members of the English government understand the condition



of the country and people very thoroughly. A gentleman who had spent several months in Ireland, and carefully investigated certain phases of the troubles, said, "I thought when I came home from Ireland, after looking into many matters very carefully, that I knew something about Irish affairs. I spent a day with Mr. Gladstone, however, and found that he not only knew the things that I knew, but knew a vast deal more about the same matters. I was simply astonished at the extent and accuracy of his information, and felt that I knew nothing in comparison."

There is no doubt, I think, that Mr. Gladstone, Bright, Trevelyan, and other leaders and members of the Liberal Party, as well as members of other English Liberals, do understand, and to a great degree sympathize with the feelings and aspirations of the Irish people, and that among them the feeling of contemptuous dislike and distrust of the Irish is not found. That feeling is found, however, among certain classes of English people, and is a great barrier to the settlement of the difficulties. Mr. Matthew Arnold dwells at considerable length on the hardness and lack of sympathy, the coldness and unimaginativeness of the English middle classes in comparison with "the Irish quick-wittedness, sentiment and keen-feeling for social life and manners." One frequently observes the contrast and results of this lack of kinship of feeling and aspiration—the cool business-like temperament on the one hand with contempt for sentiment and imagination, the highly-wrought sensitive nature often poetic and at the same time impractical and often unreliable on the other.

The number of soldiers and police kept in Ireland to preserve order, while perhaps a necessity, is regarded

as a grievance by many of the people. "The army of occupation," as it is sometimes called, numbers altogether nearly 50,000 men. Accustomed to an annual debate as to whether the entire United States Army shall consist of 22,975 or 23,000 men, an American naturally looks with little favor on a system of government that requires twice that number of men to keep in order so small a country. The number, it is true, is small compared with European armies. But it is a large police force for a population of five millions. With the best intentions on the part of the government, mistakes are often made by the policemen themselves, and collisions occur which might be avoided by greater prudence. The people in many communities tell of instances where perfectly harmless persons were arrested. Children, even, it is charged, have been maltreated for marching in perfectly innocent processions. No doubt in some of these cases there is another side to the story. Taunts and jeers are no doubt very exasperating and often used unsparingly on the "mercenaries of the foreign government."

The Royal Irish Constabulary have borne the brunt of a good deal of the recent agitation against the government. They are a remarkably fine body of Irishmen and would make no end of trouble for the government if they should once become thoroughly disloyal. The recent discontent among them had at the bottom of it a real grievance. This shrewd agitators used in their efforts to make the force disloyal. The men have often been appealed to not to allow themselves to be used by the government against their countrymen. Mr. Brennan in a speech made at Balla in Nov. 1879, asked "whether they were content to remain or to become the destroyers of their own kith and

kin." "Look at the possible picture," he said—"look at your own brother lying in yonder ditch, dead and naked; the last garment was sold to buy a measure of milk for the poor child in whose body the teeth of the lean dog are now fastened \* \* \* Are you content then to be the destroyers of your own people, or will you rather join hands with them and snatch victory from death and save the lives of the people?"

While these men on the whole seemed to me, in general, to be loyal, I found, as I thought, evidence that there were not a few disloyal ones—men whose sympathy with the people was stronger than the force of their obligations to the government. With the present rate of laborers' wages in Ireland the opportunity for employment in this capacity, at far more than laborers' wages, has attractions for many, in spite of the unpleasantness of some of its duties. It is difficult to see how the number of police and soldiers can be diminished without allowing violence to get the upper hand. There is no doubt that if it could be done much irritation would be avoided.\*

\* The following table shows the number of agrarian outrages reported in Ireland from 1844 to the present year, and shows the necessity of a large force to keep the peace.

1844	1,001	1857	194	1870	1,329
1845	1,920	1858	235	1871	373
1846	1,303	1859	221	1872	256
1847	620	1860	232	1873	254
1848	795	1861	229	1874	213
1849	957	1862	303	1875	139
1850	1,362	1863	349	1876	212
1851	1,013	1864	304	1877	236
1852	913	1865	175	1878	301
1853	469	1866	87	1879	863
1854	334	1867	123	1880	2,590
1855	255	1868	163	1881	4,439
1856	287	1869	767	1882*	1,879

\* To May 1st.

If the Irish have a right to complain that the English will not let them forget the past, the English have also a right to complain that the Irish will not let them lay aside the old methods. Such a condition of affairs as exists in Ireland requires strong government. With so much bitterness and hatred, so much violence, it is necessary that some power should exist in the country strong enough to keep the parties from actual conflict. The sort of talk that is often heard in Ireland in reference to the landlords and Englishmen, is enough to create a thorough distrust of the Irish and a fear that these people would not respect the rights of property, unless compelled to do so.

If the landlords are aliens, so are many of the other people. The best estimates agree in the statement that the majority of the inhabitants of Ireland are not of Celtic origin. One would think to hear some of the people talk that the non-Celtic element was only a handful. In some counties the English and Scotch elements are very large and often owe whatever rights they have in the country to this same alien government of which complaint is now made by some of them in such emphatic language.

The Irish have usually regarded concession as a sign of weakness, however much they have clamored for it. They have asserted again and again that the reforms have been wrung from England only by a condition of things bordering on civil war. Each new reform is interpreted as an evidence of the weakness and fear of the government, and certain classes seem inclined to follow up the advantage gained by further disorder.

So also the Land League orators often denounce the tyranny of English rule in a way that leads the people to think that separation is the ultimate aim of the orators. Mr. Parnell is quoted as having said in a speech at Cincinnati, February 23, 1880: "None of us, whether we are in America or in Ireland, or wherever we may be—will be satisfied until we have destroyed the last link which keeps Ireland bound to England," a very different sentiment from the one that I have already quoted from him. Other speakers also urge the people to not stop the agitation until the last tie that binds them to England shall be severed, to keep in mind the fact that their ultimate aim is nationality. This sort of talk increases distrust among the English and leads them to suspect that the majority of the Home Rulers desire separation, and the result is that the opposition to Home Rule in England continues vigorous. The same sort of utterances lead many of the more moderate Irishmen who otherwise would be strongly in favor of a local government for local purposes to look with suspicion on the whole movement. The trouble and expense of going to London for every little matter that requires legislation and must be brought before a committee of the House is a great drawback to many enterprises and seriously hinders the development of the country. It would be a decided advantage to the business of the country to have some sort of Home Rule. And yet so great is the suspicion of the movement that a great many of the most prosperous business men prefer the present inconvenient method of getting legislation passed to the risk of what might happen had the Home Rulers their way. "The Business men of Bel-

fast," writes an Ulster merchant, "decidedly do not want Home Rule." A Conservative says, "I think we should all with very few exceptions like a local government for local affairs, if we did not fear that the advocates of separation would get the upper hand and that the communistic notions of property preached by some of the Land League orators might be put in practice."

The Presbyterian General Assembly last June presented an address to the Lord Lieutenant expressing strong disapproval of the violent agitation, pledging the loyalty of the Presbyterians of Ireland to the government.\* The Presbyterians generally are not in favor of Home Rule because they fear that it means mischief. A Presbyterian minister, himself an ardent Home Ruler, told me he believed the address represented the views of 999 out of every 1000 Presbyterians. The violent utterances of the Fenian orators and of the Irish-American press are regarded by them as particularly significant and dangerous.

The Irish Parliamentary party increases the English dislike for and distrust of the Home Rulers by their violent obstruction of public business, delaying much needed legislation, and disgusting and exasperating Parliament and the people. They sometimes ask very unimportant questions, consuming many hours of valuable time to no purpose. Their object is to drive the English to grant them Home Rule. "Everything we have yet got," they say, "has been wrested from the government only by agitation that brought us to the verge of civil war. We must make a loud noise in order to get a hearing at all. We must show the government the

\* The Address is given in full in the Appendix.

impossibility of legislating for the three kingdoms." This persistent obstruction and delay of business has brought the Irish party into bad odor in England. Their opposition to the government has, however, given them greater favor in Ireland. Although the obstructionists now include altogether only a little more than one third of the Irish representatives, they are regarded by the majority of the Irish people as the only true patriots, and if there were a general election now, it is claimed, that at least seventy of the one hundred and three Irish members would be of this advanced type. The progress that has recently been made in disposing of cases in the land courts by reason of the improved methods introduced,\* the increased number of applications for fair rents showing a much more general disposition to accept the new land law, the fact that many of the farmers in all parts of the country are tired of agitation and want to settle down to peace and industry, enjoying the fruits of their new security of tenure and fair rents, make it seem doubtful whether the promoters of violent agitation will continue to exert the same influence that they have had when tenants felt that they had great grievances that ought to be removed, and when distress and want, by reason of bad Landlords, was pressing hard upon many of the Irish people. The lack of interest on the part of great numbers of the farmers in the labor agitation and the decrease in the funds supplied to keep up the various

\* Rules have been recently published by the Land Commission enabling the landlord and tenant to have a fair rent fixed, without the expense of litigation, by the award of two valuers, nominated and paid by the Commission. One of the great objections to the new law, namely, the expense to the tenant has, in this way, been removed.

agitations are now subjects of complaint on the part of some of the more active Irishmen who want to see a great national movement. The proposition to inaugurate a great new movement in which the parties interested in self-government, important amendments to the land law, relief for evicted tenants, the labor question, "pay the members," etc., can be united is receiving the attention of the Irish press and people. It is impossible to predict the results of these efforts. The dissensions and discords among Irish parties in the past make one who is at all familiar with Irish politics hesitate about placing confidence in any such plan of union unless some very substantial common grievance or interest can be found.

The reforms that the English Liberal party have already brought about, revolutionizing in many respects the old order of things, the promises of further changes in the direction of giving the people larger rights and liberties, the extension of the right to vote, the reform in the grand jury system and in county government, the changes that will break up the great feudal estates and abolish the laws that have kept the land in the hands of a small class, the well-known design of Mr. Gladstone to extend and enlarge the powers of local governments and the general tendency among the Liberals to favor reform and progress in every direction will suggest, I think, to most Americans the conclusion that the English Liberals are after all the true friends of Ireland, and much more likely to promote the objects that the masses of the people desire and that are needed for the peace and prosperity of Ireland, than the Conservatives. Would it not be far wiser for the Irish party in Parliament to support the Liberal



party earnestly and fairly in its efforts to promote these reforms, than to hinder and embarrass it, and so delay business as to excite the indignation of the English people, hinder conciliatory measures and create a demand for such rules of procedure in the House of Commons as seriously endanger the rights of free discussion and the privileges of minorities in representative legislatures?

In the meantime there is one phase of the subject on which all can agree, and that is the desirability of encouraging the Irish tenants to rely on their own labor and industry to increase the value of their interests in their holdings, to build better houses, to adopt better methods of farming, and in every way to make the progress needed for the proper development of the country. I have already referred to the evidence of bad farming, to the waste, and the neglected appearance of many of the farms. Under the old system of land tenure the tenants were accustomed, sometimes with reason, to attribute their misfortunes and hardships to the landlords. Under the more favorable provisions of the new laws the fault will generally be with themselves rather than with the landlords, if they are not more prosperous. Many of the people have learned self-reliance and self-assertion in these times of agitation, and have awakened to a new consciousness of power. If these new powers are turned to the arts of peace and to the development of their farms and the industrial interests of the country, there will be more hope for a bright future for Ireland. The people will soon find that law and order are very desirable for the promotion of their interests.

The old passions and prejudices, the hatreds and dis-

trusts, will die in a day. Designing men will for generations to come be able to profit from them, for the advancement of their own personal and political ends, regardless of the welfare of the people. These stubborn factors of the problem will yield only to patience, forbearance, kindness, justice, and the magic of prosperity. The realization of the state of things suggested by Sir Robert Peel in the speech with which he closed his career as Prime Minister in 1846, would go far toward removing these obstacles in the way of peace. "There ought to be," he said, "complete equality between England and Ireland in all civil, municipal and political rights, so that no person viewing Ireland with perfectly disinterested eyes should be enabled to say a different law is enacted for Ireland, and *on account of some jealousy or suspicion, Ireland has curtailed and mutilated rights.*"

# APPENDICES.

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## APPENDIX A.

### CHARTER OF THE LAND LEAGUE.

The following is the charter that was adopted by the Land League, organized August 16, 1879, at Castlebar, for county Mayo—the first organized Land League—and accepted in the main by the National Land League, in Dublin, October 21st, 1879.

THIS body shall be known as the National Land League of Mayo, and shall consist of farmers and others, who will agree to labor for the objects here set forth, and subscribe to the conditions of membership, principles, and rules specified below.

OBJECTS.—The objects for which this body is organized are—  
1st. To watch over the interests of the people it represents, and protect the same, as far as may be in its power to do so, from an unjust or capricious exercise of power or privilege on the part of landlords, or any other class in the community.

2d.—To resort to every means compatible with justice, morality, and right reason which shall not clash defiantly with the constitution upheld by the powers of the British Empire in this country, for the abolition of the present Land Laws of Ireland, and the substitution in their place of such a system as shall be in accord with the social rights and interests of our people, the traditions and moral sentiments of our race, and which the contentment and prosperity of our country imperiously demand.

3d.—Pending a final and satisfactory settlement of the Land Question, the duty of this Body will be to expose the injustice, wrong, or injury which may be inflicted upon any farmer in

Mayo, either by rack-renting, eviction, or other arbitrary exercise of power which the existing laws enable the landlords to exercise over their tenantry, by giving all such arbitrary acts the widest publicity, and meeting their perpetration with all the opposition which the laws for the preservation of the peace will permit of. In furtherance of which the following plan will be adopted :—(a) Returns to be obtained, printed, and circulated of the number of landlords in this county, the amount of acreage in possession of same, and the means by which such lands were obtained ; the farms held by each, with the conditions under which they are held by their tenants, and the excess of rent paid by same over the Government valuation. (b) To publish by placard or otherwise notice of contemplated evictions for non-payment of exorbitant rent, or other unjust cause, and the convening of a public meeting, if deemed necessary or expedient, as near the scene of such evictions as circumstances will allow, and on the day fixed for the same. (c) The publication of a list of evictions carried out, together with cases of rack-renting, giving full particulars of same, name of landlord, agents, &c., concerned, and the number of people evicted by such acts. (d) The publication of the names of all persons who shall rent or occupy land or farms from which others have been dispossessed for non-payment of exorbitant rents, or who shall offer a higher rent for land or farms than that paid by the previous occupier. (e) The publication of reductions of rent and acts of justice or kindness performed by landlords in the county.

4th This Body to undertake the defense of such of its members, or other local clubs affiliated with it, who may be required to resist by law actions of landlords or their agents who may purpose doing them injury, wrong, or injustice in connection with their land or farms.

5th. To render assistance when possible to such farmer members as may be evicted, or otherwise wronged by landlords or their agents.

6th. To undertake the organizing of local clubs or defense associations in the baronies, towns, and parishes of this county, the holding of public meetings and demonstrations on the Land Question, and the printing of pamphlets on that and other subjects for the information of the farming classes.

7th. Finally, to act as a vigilance committee in Mayo, not ing

the conduct of its grand jury, poor-law guardians, town commissioners, and Members of Parliament, and pronounce on the manner in which their respective functions are performed, whenever the interests, social or political, of the people represented by this club render it expedient to do so.

CONDITIONS OF MEMBERSHIP.—First, to be a member of any local club or defense association in the county, and to be selected by such club or association to represent the same on the central or county association. Second, a desire to co-operate in the carrying out of the foregoing objects and subscribing to the principles here enunciated, with a view of propagating the same and laboring for their successful application in Ireland, will qualify non-representative farmers or others for membership in this Body, subject to the subscription and rules laid down for same. Third, to pay any sum not under 5s. a-year towards the carrying out of the foregoing objects and the end for which this Body is created—namely, the obtaining of the soil of Ireland for the people of Ireland who cultivate it.

DECLARATION OF PRINCIPLES.—The land of Ireland belongs to the people of Ireland, to be held and cultivated for the sustenance of those whom God decreed to be the inhabitants thereof. Land being created to supply mankind with the necessities of existence, those who cultivate it to that end have a higher claim to its absolute possession than those who make it an article of barter to be used or disposed of for purposes of profit or pleasure. The end for which the land of a country is created requires an equitable distribution of the same among the people who are to live upon the fruits of their labor in its cultivation. Any restriction, therefore, upon such a distribution by a feudal land system embodying the laws of primogeniture and entail, the amassing of large estates, and claiming of proprietorship under penal obligations from occupiers, and preventing the same from developing the full resources of the land, must necessarily be opposed to the Divine purpose for which it was created, and to the social rights, security, and happiness of the people. “Before the conquest the Irish people knew nothing of absolute property in land; the land virtually belonging to the entire sept, the chief was little more than the managing member of the association. The feudal idea, which views all rights as emanating from a head landlord, came in with the conquest, was associated with

foreign dominion, and has never to this day been recognized by the moral sentiments of the people. Originally the offspring, not of industry, but of spoliation, the right has not been allowed to purify itself by protracted possession, but has passed from the original spoliators to others by a series of fresh spoliations, so as to be always connected with the latest and most odious oppression of foreign invaders. In the moral feelings of the Irish people the right to hold the land goes, as it did in the beginning, with the right to till it." Those were the words of John Stuart Mill, the English political economist. The landlord system which an alien Government has imposed upon our country in the place of that which recognized no intermediate ownership between the cultivator of the soil and the State, has reduced Ireland to a degree of poverty and social misery, incompatible with the natural productiveness of this land, and the progressive prosperity of other civilized nations. The area of Ireland and the natural wealth of its soil is capable of supporting from twelve to twenty millions of inhabitants if restrictive land laws did not operate against the full development of the country's resources, and the unfettered cultivation of the land. Yet a population of eight millions, previous to the year 1857, was reduced by death, starvation, and exile, consequent upon an artificial famine and continued impoverishment, to little over five million at the present day. Decreased population, with its concomitant absorption of small holdings into large estates, has produced no beneficial change in the condition of the existing farming classes, who are compelled by the coercion of necessity, in the absence of manufacturing industry, to an acceptance of a non-alternative bargain in the shape of an exorbitant rent in order to obtain the use of the soil. The dread of eviction or rack-renting must necessarily operate against that expenditure of labor and enterprise in the cultivation of the land improvement of farm dwellings and premises which follow in every country where the fruit of the people's industry is protected by the State. Hence the soil of Ireland is worse and less cultivated, and the livings and habitations of its agricultural class more wretched, than in any country in the civilized world. Over six million acres of Irish land are owned by less than three hundred individuals, twelve of whom are in possession of 1,297,888 acres between them, while five millions of the Irish people own not a solitary

## CHAPTER XXX.

HOME RULE—WHAT IT MEANS—"SHOULD THE IMPERIAL GOVERNMENT APPOINT THE POSTMASTER AT SKIBBEREEN?"—VIEWS OF PROMINENT IRISHMEN—WHAT THE BUSINESS MEN OF BELFAST SAY—THE PRESBYTERIAN GENERAL ASSEMBLY—THE IRISH PEOPLE TIRED OF AGITATION—THE ENGLISH LIBERALS AND IRISH REFORMS—A SENTIMENT OF SIR ROBER PEEL.

WE are so accustomed in this country to managing our local affairs in our own way, that we naturally sympathize with the Irish in their desire for local self-government. In so far as Home Rule for Ireland means merely Home Rule, and not separation, it can hardly fail to enlist our sympathies. In so far as it means separation, the great majority of our people would, it seems to me, scarcely look upon it with favor. The tendency in this country has for many years been toward a more strongly centralized government. Secession was not tolerated. A common ancestry, language, literature, law, religion, and civilization must always constitute a strong bond between this country and England, and lead many of our people to deprecate any movement that looks to the dismemberment of the British empire and to the breaking down of the influence and prestige of English civilization.

The majority of the Irish Home Rule party claim that they are not in favor of separation. Mr. Justin McCarthy has put the case briefly in his recent letters to the New York Tribune. He is in favor of just as much Home Rule for Ireland as each one of our states has.

He has said to me in conversation in reply to a question that he was in favor of the imperial Parliament's managing post offices and post roads, harbors and navigable rivers, etc., as these are imperial matters. I have heard Messrs. Parnell, A. M. Sullivan, O'Conner Power, and others of the party express the same views. I have already quoted the view of Mr. Mitchell Henry, one of the moderate Home Rulers. I have asked numbers of Irishmen who said they wanted just as much Home Rule as we had in each of the states, whether for example they would be willing, in case they had such Home Rule, that the imperial government should appoint the postmaster at Skibbereen, or make the contract for carrying the mail from Cork to Blarney. The reply very often was emphatically, "No, we couldn't have that, if we had Home Rule." "Then in regard to the river Shannon, would you be willing that the government in London should have any control over it?" "Why no, we couldn't allow that," was the reply. "The fact is," one of these men said, after considering the matter pretty carefully, "a great many of our people don't think about it. They are in favor of a better state of things. They have a notion that Home Rule would bring that better state." They have heard the statement that the amount of Home Rule we needed was the amount you had in the states, and repeat the statement without knowing or thinking much about it." I found not a few of the less intelligent people who were in favor of separation, and there is undoubtedly a pretty general feeling among some of the classes that the Home Rule leaders are aiming at separation ultimately. The influence of the Irish American Press does a great deal to instil this feeling.



acre. For the protection of the proprietorial rights of the few thousand landlords in the country a standing army of semi-military police is maintained, which the landless millions have to support, while the conduct of the landocracy in the exercise of its legal privileges occasions almost all the evils under which our people suffer. Thus the right of the soil cultivators, their security from arbitrary disturbance, and incentive to local advancement, together with the general well being, peace, and prosperity of the people at large, are sacrificed for the benefit of a class insignificant in numbers, and of least account in all that goes towards the maintenance of a country, but which, by the aid of existing land laws extracts some twenty millions pounds annually from the soil of Ireland without conferring a single benefit in return on the same, or the people by whose industry it is produced. If the land in possession of, say, 744 landlords in this country was divided into twenty-acre farms, it would support in ease and comparative independence, over two and a-half millions of our people. To substitute for such an unjust and anomalous system as the present land code, one that would allow an equal protection and solicitude for the social rights and well-being of the laboring millions, as that shown for those of the wealthy, but non-operative few, is the principle upon which enlightened statesmanship aims at following in modern times, in order to meet the growing necessities of that popular intelligence and awakening civilization which demand the sweeping away of those feudal laws opposed to the social progress and ideas of the age; sacrificing the interests of the few to the welfare of the many by the abolition of the feudal land codes, has laid the foundation of solid governments, and secured the content of peoples in most European countries. The interests of the landlords of Ireland are pecuniary, and can be compensated, but the interests of the people of Ireland, dependent upon the produce of the soil, is their very existence. In denouncing existing land laws, and demanding in their place such a system as will recognize and establish the cultivator of the soil as its proprietor, we have no purpose nor demand the confiscation of the ~~interest~~ which the landlords now hold in the land, but simply that compensation be given them for the loss of the land rights when the State, for the peace, benefit, and happiness of the people shall decree the abolition of the present system.

We appeal to the farmers of Ireland to be up and doing at once, and organize themselves forthwith in order that their full strength may be put forth in behalf of themselves and their country in efforts to obtain what has brought security and comparative plenty to the farming classes of continental countries. Without an evidence of earnestness and practical determination being shown now by the farmers of Ireland and their friends in their demand for a small proprietary, which alone can fully settle the great Land Question of the country, the tribunal of public opinion will neither recognise the urgent necessity for such a change, nor lend its influence in ameliorating the condition, or redressing the social and political wrongs of which we complain. Let us remember, in the words of one of Ireland's greatest sons, that the land is the fount whence we all ultimately draw, and if the terms on which the land is cultivated be unfair, if the agricultural system of the country be unsound, then the entire structure is rotten, and will inevitably come down. Let us never forget that mere appeals to the public to encourage native industry in other departments must be utterly futile as long as the great and paramount native industry of the farmer is neglected. In vain shall we try to rouse the national spirit if the very men who make a nation sink into paupers before our faces. Paupers have no country, no rights, no duties, and, in short, if we permit the small farmers to be reduced to pauperism, if we see them compelled to give up their lands and throw themselves on public relief, there is an end of Ireland.

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## APPENDIX B.

### MR. PARNELL'S APPEAL TO THE IRISH RACE FOR THE SUSTAINMENT OF THE IRISH NATIONAL LAND MOVEMENT.

[Issued immediately after the organization of the National Land League.]

The land and rent agitation which has originated in the West of Ireland, and is rapidly spreading throughout the country, has now assumed such national proportions that it becomes a question of first importance to all who sympathize with its legitimate objects, how best to guide the popular movement to the attain-

ment of those ends. Temporary abatements of excessive rents are being, and may continue to be obtained through the various agencies of a sympathetic but unorganized advocacy, which the existing wide-spread and alarming distress elicits from the press and bodies of the community; but without the creation of some constituted guide or directing influence, the primary, if not the sole cause of the existing poverty of the agricultural classes will not be removed.

Independent of the effect which the products of the vast free lands of America and other favored countries must have in competition with the produce created under rent-tied and paralyzing conditions in Ireland, almost all the evils under which her people suffer are referable to a land system glaringly antagonistic to the first principles of justice and fair government, which place the good of the greatest number above the privileged gratification of the few. Landlordism, founded as an institution of systematic partiality, has proved itself but too true to the spirit of its origin by reducing all who are dependent on, but unprotected by ownership of the soil, to a degraded, semi-mendicant existence, and in addition induces the loss of that independent character which arises from an independence of position.

The duties which feudal laws and customs exacted in return from those in whom they recognized certain arbitrary rights, have been ignored by Irish landlordism in its relations to the soil, and those dependent upon the fruits of its cultivation, thus adding to the other indictments against a non-fulfilment of essential obligations.

Any land system which does not tend to improve the value of land, and enable cultivation to meet the exigencies of those dependent upon its produce stands self-condemned as barbarous, unjust, and reprehensible. The diminished population of our country, the millions of our race who perished in or fled from a land in which God intended they should not die by hunger; the continued struggle with poverty which those have to maintain who yet cling to their native soil, and the periodic climaxation of the impoverishing influences which landlordism exercises upon the social life of Ireland, demand at last, in face of yet another impending national calamity, the application of a remedy which can no longer be denied the salvation of a people. In contrast to the social wretchedness to which a barbarous land system has

reduced our country is the rapidly progressing prosperity of those people at whose demand, or for whose benefit such a system has been swept away, and the cultivator of the soil has replaced the landlord as its proprietor. The surplus produce of lands thus freed and agricultural industry, thus relieved from its rent-taxation is now placed, by easy transit over sea and land, in competition, with what is produced under conditions of land tenure the most unfavorable, and incentives to toil the least encouraging, that ever regulated the chief industry of any civilized country. When to this is added the adverse influences of successive bad seasons, on the point of culminating in what threatens to be the worst yet experienced since famine years, the position of the Irish farmer, and those depending upon the fruits of his enterprise and labor, assumes an aspect of menacing ruin, which to consider as transient or accidental, would be a criminal disregard of the vital existence of a people.

Impelled by the desperate circumstances of their situation, the farming and other classes concerned have proclaimed their grievances in public meetings and by the press, demanding the remedies which alone can redress them. A consensus of opinion, apart from immediate interestedness, has declared that the remedy put forward by the present agitation is founded on justice, reason, and expediency, and that its application is absolutely essential to meet the evils complained of, and insure the prosperity and contentment of Ireland. In formulating a demand for ownership of the soil by the occupiers in substitution for that of the landlords, the people of Ireland neither contemplate nor ask for the confiscation of those proprietorial rights which existing laws must necessarily recognize and protect, but that for the transfer of those rights to an industrial ownership a fair compensation may be given to those who shall be called upon to agree to such transfer for the settlement of the agrarian strife of the country and the supreme good of its people. To carry out a project as vast as that which we contemplate, must require means in proportion to the difficulties that must be encountered in the undertaking. Tenants' Defense Associations must be organized in every county and assistance be rendered to farmers who may be called upon to defend themselves against an unjust and capricious exercise of landlord power. The wealth of Ireland is almost entirely in the hands of that class which we propose for the good of

the country to deprive of the absolute possession of the soil, and it is but natural to expect that strong and influential opposition will be offered by those who will be called upon to surrender the privileges they have so long enjoyed—even in virtue of compensation and expediency. To meet this opposition, and guide the national movement for freeing the land of Ireland, assistance of two kinds must be forthcoming; the one, and most essential kind, is an organized development of earnestness and a resolute attitude on the part of the six hundred thousand landless farmers of Ireland, as well as those whose daily bread depends upon the prosperity of their fatherland, in demanding their just rights as guaranteed in the settlement we propose. The second aid required is money. Neither has ever been wanting when the national spirit of our country, and the patriotism of her exiled sons have been appealed to in a patriotic cause, and we are confident they will not be withheld now when the very soil of Ireland is the object we desire to free, and the land slavery of our people the thing we are resolved shall be abolished for ever.

None of our race have had such bitter experience of the wrongs of landlordism as those who have been compelled to seek abroad the food denied them at home, and none should more readily and generously sympathize with those who are resolved to retain a firm grip on their Irish homesteads, than the exiled who were forced by iniquitous laws to leave them.

In the great Shelter Land of Peoples, ten millions of the Irish race have found a home. The system we aspire to abolish, has banished them from Ireland. Benefiting by laws which afford equal protection and encouragement to all citizens of the Great Republic of America, they can appreciate the efforts which aim at affording equal incentives to progress to their crushed and persecuted kindred here.

Not alone to our fellow countrymen in America, but to all whom evil laws have scattered the world over, as well as to all other nationalities who sympathize with a wrong and impoverished people, who are at last resolved upon a remedy for the evils afflicting them, do we call for an advocacy of our cause, and support in our efforts to achieve success.

In constituting ourselves a committee for the purpose of carrying out this work, we are animated with but one desire—to aid the tenant farmers and those depending upon the soil of Ireland, to

lift themselves from the misery and social degradation in which they are plunged, into a position where the notice to quit and the rack-rent will not operate against their industry, security and contentment. We are influenced by no party spirit in making this appeal. Nor do we in any way purpose to place this committee in antagonism with existing bodies or organizations employed in other departments of national labor. To free the land of Ireland from the unwise and unjust restrictions which militate against its proper cultivation, and prevent the development of its full resources, should be a labor above the customary influences of party or sectional strife, and be guided alone by motives of disinterested effort for the benefit of our common country, and the improvement, contentment and prosperity of the greatest number of our fellow-countrymen.

The grounds upon which we feel authorized to issue this appeal, are the fact of our being either directly or indirectly connected with the agitation which has sprung from the distress that has evoked a national condemnation of the present land system. As this land movement has won an endorsement from public opinion of an occupier proprietary settlement of the land question, those who have advocated such a remedy, prior to and in conjunction with the national demand now made for it, feel themselves justified in taking such steps as may be best calculated to insure its application to the existing land evils of our country.

In pursuance of this intention, we issue this appeal to Irishmen the world over, and to those who sympathize with the object in view, to aid us in our efforts to obtain for our people the possession of an unfettered soil, and for Ireland the benefits which must result from an unrestricted development of its products and resources.

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## APPENDIX C.

### THE NO-RENT MANIFESTO.

[Issued Oct. 18th, 1881.]

#### TO THE IRISH PEOPLE:

*Fellow Countrymen.*—The hour has come to test whether the great organization built up during years of patient labor and sacrifice, and consecrated by the allegiance of the whole Irish

race the world over, is to disappear at the summons of a brutal tyranny. The crisis which we are to face is not of our own making. It has been deliberately forced upon the country, while the Land Act is yet untested, in order to strike down the only power which might have extorted any solid benefits for the tenant-farmers of Ireland from that act, and to leave them once more helplessly at the mercy of a law invented to save landlordism, and administered by landlord minions. The Executive of the Irish National Land League, acting in the spirit of the resolutions of the National Convention—the most freely-elected representative body ever assembled in Ireland—was advancing steadily in the work of testing how far the administration of the Land Act might be trusted to eradicate from the rents of the Irish tenant-farmers the entire value of their own improvements, and to reduce these rents to such a figure as should for ever place our country beyond the peril of periodical famine. At the same time, they took measures to secure, in the event of the Land Act proving to be a mere paltry mitigation of the horrors of landlordism, in order to fasten it more securely upon the necks of the people, that the tenant-farmers should not be delivered blindfolded into the hands of hostile law courts, but should be able to fall back upon the magnificent organization which was crushing landlordism out of existence when Mr. Gladstone stepped in to its rescue. In either event the Irish tenant-farmers would have been in a position to exact the uttermost farthing of their just demands.

It was this attitude of perfect self-command, impregnable while there remained a shadow of respect for law, and supported with unparalleled enthusiasm by the whole Irish race, that moved the rage of the disappointed English Minister. Upon the monstrous pretext that the National Land League was forced upon the Irish tenant-farmers—an organization which made them all-powerful, and was keeping them by intimidation from embracing an act which offered them nothing except helplessness and uncertainty, the English Government has cast to the winds every shred of law and justice, and has plunged into an open reign of terror in order to destroy by the foulest means an organization which was confessedly too strong for it within the limit of its own English Constitution. Blow after blow has been struck at the Land League in the mere wantonness of brute force. In the face of

provocation, which has turned men's blood to flame, the Executive of the Land League adhere calmly and steadily to the course traced out for them by the National Convention. Test cases of a varied and searching character were, with great labor, put in train for adjudication in the Land Court. Even the arrest of our President, Mr. Charles Stewart Parnell, and the excited state of the popular feeling which it evoked, did not induce the Executive to swerve in the slightest from that course, for Mr. Parnell's arrest might have been accounted for by motives of personal malice, and his removal did not altogether derange the machinery for the preparation of the test cases which he had been at much pains to perfect. But the events which have since occurred—the seizure, or the attempted seizure, of almost all the members of the Executive, and of the chief officials of the League upon wild and preposterous pretences, and the violent suppression of free speech—put it beyond any possibility of doubt that the English Government, unable to declare the Land League an illegal association, defeated in the attempt to break its unity, and afraid to abide the result of test cases watched over by a powerful popular organization, has deliberately resolved to destroy the whole machinery of the Central League with a view to rendering an experimental trial of the Act impossible, and forcing it upon the Irish tenant-farmers on the Government's own terms. The brutal and arbitrary dispersion of the Central Executive has so far succeeded, that we are obliged to announce to our countrymen that we no longer possess the machinery for adequately presenting the test cases in court according to the policy prescribed by the National Convention. Mr. Gladstone has by a series of furious and wanton acts of despotism driven the Irish tenant-farmers to choose between their own organization and the mercy of his lawyers—between the power which has reduced landlordism to almost its last gasp, and the power which strives, with all the ferocity of despotism, to restore the detestable ascendancy from which the Land League has delivered the Irish people.

One constitutional weapon now remains in the hands of the Irish National Land League. It is the strongest, the swiftest, the most irresistible of all. We hesitated to advise our fellow countrymen to employ it until the savage carelessness of the English Government provoked a crisis in which we must either consent to see the Irish tenant-farmers deprived of their organization and



laid once more prostrate at the feet of the landlords and every murmur of Irish public opinion suppressed, with an armed band, or appeal to our countrymen to at once resort to the only means now left in their hands of bringing this false and brutal Government to its senses. Fellow Countrymen, the hour to try your souls and redeem your pledges has arrived. The Executive of the National Land League, forced to abandon the policy of testing the Land Act, feels bound to advise the tenant-farmers of Ireland from this time forth to pay no rents under any circumstances to their landlords, until the Government relinquishes the existing system of terrorism and restores the constitutional rights of the people. Do not be daunted by the removal of your leaders. Your fathers abolished tithes by the same methods without any leaders at all, and with scarcely a shadow of the magnificent organization that covers every portion of Ireland to-day. Do not let yourselves be intimidated by threats of military violence. It is as lawful to refuse to pay rents as it is to receive them. Against the passive resistance of an entire population, military power has no weapons. Do not be wheedled into compromise of any sort, by the dread of eviction. If you only act together in the spirit to which, within the last two years, you have countless times pledged your vows, they can no more evict a whole nation than they can imprison them. The funds of the National Land League will be poured out unstintedly for the support of all who may endure eviction in the course of the struggle. Our exiled brothers in America may be relied upon to contribute, if necessary, as many millions of money as they have contributed thousands, to starve out landlordism and bring English tyranny to its knees. You have only to show that you are not unworthy of the boundless sacrifices in your cause. No power on earth, except faint-heartedness on your own part, can defeat you. Landlordism is already staggering under the blows which you have dealt it amid the applause of the world. One more crowning struggle for your land, your homes, your lives—a struggle in which you have all the memories of your race, all the hopes of your children, all the sacrifices of your imprisoned brothers, all your cravings for rent-enfranchised land, for happy homes and national freedom to inspire you—one more heroic effort to destroy landlordism at the very source and fount of its existence and the system which was and is the curse of your race

and existence will have disappeared for ever. The world is watching to see whether all your splendid hopes and noble courage will crumble away at the first threat of a cowardly tyranny. You have to choose between throwing yourself upon the mercy of England and taking your stand by the organization, which has once before proved too strong for English despotism. You have to choose between the land for the landlords and the land for the people. We can not doubt your choice. Every tenant-farmer in Ireland is to-day the standard bearer of the flag unfurled at Irishtown, and can bear it to a glorious victory. Stand together in the face of the brutal and cowardly enemies of your race! Pay no rents under any pretext. Stand passively, firmly, fearlessly by, while the armies of England may be engaged in their hopeless struggle against a spirit which their weapons can not touch. Act for yourselves, if you are deprived of the counsels of those who have shown you how to act. No power of legalized violence can extort one penny from your purses against your will. If you are evicted, you should not suffer. The landlord who evicts will be a ruined pauper, and the government which supports him with its bayonets will learn in a single winter how powerless its armed force is against the will of a united, determined and self-reliant nation."

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## APPENDIX D.

### PROCLAMATION OF THE LAND LEAGUE BY THE LORD LIEUTENANT OF IRELAND.

"Whereas an association styling itself the Irish National Land League has existed for some time past, assuming to interfere with the Queen's subjects in the free exercise of their lawful rights, and especial to control the relations of landlords and tenants in Ireland, and whereas the designs of the said association have been sought to be effected by an organized system of intimidation, attempting to obstruct the service of process, and execution of the Queen's writs and seeking to deter the Queen's subjects from fulfilling their contracts and following their lawful callings and occupations; and whereas the said association has now avowed its purpose to be, to prevent payment of all rent, to

effect the subversion of the law as administered in the Queen's name in Ireland, now we hereby warn all persons that the said association, styling itself 'The Irish National Land League,' or by whatsoever other name it may be called or known, is an unlawful and criminal association and that all its meetings and assemblies to carry out or promote its designs or principles, are alike unlawful and criminal, and will be prevented, and if necessary, dispersed by force; and we hereby warn all subjects of Her Majesty, the Queen, who may have become connected with the said association, to disconnect themselves therefrom and abstain from giving further countenance thereto, and we do hereby make known that all the powers and resources at our command will be employed to protect the Queen's subjects in Ireland, in the free exercise of their lawful rights and the peaceful pursuit of their lawful callings and occupations to enforce the fulfilment of all lawful obligations, and to save the process of the law and the execution of the Queen's writs from hinderance or obstruction; and we do hereby call on all loyal and well affected subjects of the crown, to aid us in upholding and maintaining the authority of the law and the supremacy of the Queen in this, her realm of Ireland.—Dated at Dublin Castle, this 20th day of October, 1881, by his Excellency's command.

W. E. FORSTER.

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## APPENDIX E.

### AN EXTRACT FROM A PASTORAL OF CARDINAL McCABE TO THE CHURCHES OF HIS DIOCESE ON THE NO-RENT MANIFESTO.

"Only a few days ago over-confiding men were startled from their dream of security by the publication of a manifesto, which at once assailed the eternal law of God, and struck at the foundations on which society rests—the rights of property. Passing over all the other cases, in which these rights are threatened, let us confine ourselves to one particular class of the community. There were and are as we all know hundreds of honest, industrious men among us who, trusting to the faith of the public conscience, and calculating on the security which a duly constructed government is expected to give, invested the fruits of their years

of toil and self-sacrifice in property, by which they hoped that they and theirs might draw the means of an honorable subsistence. But all this must be swept away by the breath of a handful of men, the bulk of whom have neither stake or interest in the country. We disregarded the warnings which cautioned us against the dangers that lurked in specious programmes, pretending to aim at naught save the redress of the wrongs of an oppressed people. But now God's providence has forced from the lips of unsafe guides an avowal of their aims, and if the notice to pay no rents be not the teaching of communism, communism is yet to be defined. Let no one suppose that we have a word to say in defense of the oppressors of the poor. We feel as keenly as the most outspoken of our brethren in the sacred ministry the cruel injuries worked by bad laws on the defenseless tenants of Ireland. But we must never allow our abhorrence of injustice to betray us into a repudiation of the claims of justice: and if God's blessing is to be invoked in our struggle for right, God's sacred ordinance must not be outraged in that struggle. If to-day the landlord's claim to his just rent is questioned, who will guarantee the tenant's right to his outlay of money and toil to-morrow? Injustice will pay injustice, and in the days of retribution the wrongdoer will be laughed at when he seeks for sympathy in his troubles. The issue is now plainly put to our people. Who of the two will they follow, the men who have marked out a road that must lead to anger with God and disgrace before the Christian world or the bishops of Ireland, who, through a glorious and unbroken succession of fourteen centuries, are the heirs of those who encountered poverty, exile, nay, death in its most terrible form for that people with whom their lives were irrevocably bound up?"

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## APPENDIX F.

### ARCHBISHOP CROKE'S SENTIMENTS ON THE NO-RENT MANIFESTO.

"The Palace, Thurles, October 19, 1881.

"MY DEAR SIR :—I have just read, with the utmost pain, and, indeed, with absolute dismay, the manifesto issued yesterday, by

the leading incarcerated patriots of Kilmainham Gaol, and publicly proclaimed to the country at large on their behalf, from the Land League rooms in Sackville street. Against the committal of the people of this country, even under still more exciting and critical circumstances than the present, to the doctrine of the non-payment of rent, though but for a certain specified time, I must, and hereby do enter my solemn protest. At no time an enrolled member of the Irish National Land League, I have been, nevertheless, a steadfast and uncompromising supporter of its public policy as a whole, believing the same to be thoroughly legal and constitutional, and calculated to lead to great national results. I am precisely of the same mind still; but I have invariably, both in my published utterances and in private discourse, in Ireland and out of it, before lay folk and ecclesiastical men, whether in high or low degree, here at home on Tipperary soil, as well as in lands beyond the seas, unequivocally stated that I stood out for fair rents, and for nothing more—for the safe foothold of our agricultural classes upon Irish soil, there to be wholesomely fed, fairly clothed and suitably lodged; and that the absolute repudiation of rent, should it ever find public expression in Ireland, would meet with no sympathy whatever from me. Such are substantially my views, frequently expressed and not unknown to more than one of the signatories to yesterday's manifesto. I shall say no more just now. I need not do so. I regret, indeed, to have been obliged to say so much. I hold to the original platform of the Irish National Land League. There is no more reason for abandoning it now than there was when Davitt took possession of a cell in Portland, or when Dillon, with his 200 compatriots, were committed to Kilmainham Gaol. It was a sound policy, the original policy of the League. It was a statesman-like policy. It was a sufficiently elastic policy. It was a righteous policy. Tested by experience and results, it was a successful policy as well. It welded bishops, priests and laymen into one loving brotherhood of national work. It pains me, then, sorely to think that any attempt should now be made to displace the old lines, especially by the very men by whom they were so judiciously laid down. Anyhow, I thoroughly believe in the policy of the past in all its substantial branches, and I quite as firmly believe that the policy now so impetuously recommended to the country instead, besides being con-

demned on the grounds of principle and expediency, can lead to nothing but disintegration and defeat.

"I am, my dear sir, your very faithful servant,

F. W. CROKE, Archbishop of Cashel."

A few days later he said: "The trusted leaders of the people have been clutched by the salaried supporters of 'law and order' and cast into prison; the boasted privileges of the British Constitution have been practically cancelled—so far, at least, as this country is concerned; liberty of speech and meeting exists no longer, except for a favored few; sick men are seized upon in the very height of their malady and mercilessly flung into Gaol; a reign of terror, in fact, not less certain, though happily, less sanguinary than that which existed in France in the days of its national frenzy, exists in our midst; and no man, if free to-day, can be sure that he will not be in the Gaol to-morrow. Such is the state of Ireland to-day, and all these changes have come upon us since last I had the pleasure of addressing you. But there is one thing that has not changed since then. The spirit of the country, though fiercely assailed, has not been broken or even impaired; the determination of the people to win their rights has not been shaken, but rather strengthened and consolidated by the pressure by which it was sought to be subdued; and the great organization which has achieved such wonderful results both in educating and uniting the people, though proscribed and supposed to be annihilated, will, I predict, yet rise from its ashes, like that fabled bird that we read of, and give proof in reality that it was not dead but, sleeping."

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## APPENDIX G.

AN ADDRESS PRESENTED TO THE LORD LIEUTENANT OF  
IRELAND, BY THE GENERAL ASSEMBLY OF THE  
PRESBYTERIAN CHURCH IN IRELAND.

[June 29, 1882.]

TO HIS EXCELLENCY, EARL SPENCER K. G. LORD LIEUTENANT-  
GENERAL AND GENERAL GOVERNOR OF IRELAND.

*May it please your Excellency:*

As the General Assembly of the Presbyterian Church in Ireland, we seize the earliest opportunity of tendering to your Ex-

cellency a hearty and united welcome. When previously discharging the duties of the high office which you now hold, you secured the warm and loyal regard of all the people, and we rejoice that one so eminently qualified and so universally esteemed should have been again appointed to represent Her Gracious Majesty in this island.

Representing as we do, the Presbyterian population of the country, we tender to your Excellency their firm support in the administration of justice and in the restoration and maintenance of order, and we renew to you the assurance of our ancient and unswerving loyalty to the Throne, and of our determination to keep unbroken the union between Great Britain and Ireland. We deplore the present unhappy condition of many districts of our country, the prevalence of agrarian crime, the presence of a lawless and disaffected spirit, the spread of opinions which sap the foundations of morality, the many cruel forms of outrage, and the light regard for human life. We deplore them all the more because they occur at a time when remedial measures have been introduced and when a great, generous and patient effort has been made to settle, on a permanent basis, questions that affect a vast number of our people.

We have been filled with horror and shame for our country by the terrible assassinations that have stained the soil with blood, and that reached their climax in the merciless cruelty with which your Excellency's late Chief Secretary, Lord Frederick Cavendish, and the Under Secretary, Mr. Bourke, were murdered on the very summer afternoon when your Excellency had announced a message of confidence, peace, and good will. We have been saddened to think that such crimes as these can be committed without detection, and that thus the criminals can escape without punishment.

We trust that these days of evil will be mercifully shortened, and that by the firmness and sympathy, the prudence and justice of her Majesty's Government, it soon will be possible to unite all the people in obedience to the law, to remove the inequalities that may still press upon any class, to restore kindly feeling, and to lay the foundation of prolonged prosperity and prolonged repose. We pray that during your Excellency's term of office you may be spared to see this future that we long for, and to which your knowledge, your abilities and your position must powerfully

contribute ; that it may please Almighty God thus to bless your Viceroyalty to the permanent good of Ireland ; that your life and the life of Her Excellency, the Countess Spencer, may be shielded from all harm ; and that, when you must leave our shores, you will carry with you the trust, the gratitude, and the affection of all the people.

Signed in the name and by the authority of the General Assembly of the Presbyterian Church in Ireland.

T. Y. KILLEN, *Moderator.*

JOHN H. ORR, *Clerk.*

## APPENDIX H.

AN EXTRACT FROM AN ADDRESS DELIVERED BY ARCH-BISHOP CROOKE, AT EMLY.

[July 30th, 1882.]

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" I shall rather ask you to consider with me for a moment our actual condition and future prospects as a struggling people—that is to say, what gains, if any, we have made for the last three years, and how best we may secure and even augment them. Here, then, in the rough, is substantially what we have gained. First and foremost, up to three years ago, it was generally believed by the great mass of our people that an Irish agriculturist was a mere rent-making machine, and that it was his bounden duty to work contented in that way, for a minimum recompense, day and night, without ceasing. Every sane and unprejudiced individual you now meet with is fully convinced that the industrious husbandman has a first call on the fruits of the land he tills ; and that, while a fair rent should be paid, when possible, to the owners of the soil as a capitalist, the cultivator of it and his family should be decently supported out of it as well. Secondly, up to three years ago in Ireland, the landlord and his agent, irrespective altogether of their character for either justice or mercy, were fawned upon and flattered, and almost worshipped, externally at least, by the miserable serfs whom they fed on and despised. To-day the good and just landlord is respected, as he ought to be ; whilst the tyrant, though still dreaded, is at the same time defied. Thirdly, up to three years ago



in Ireland, a farm from which an industrious tenant had been evicted for the non-payment of excessive rent would not be twenty-four hours vacant when scores of fools would be found to compete ruinously with each other for its possession. To-day, no one would think of touching it. Fourthly, up to three years ago in Ireland, few there were who took a practical interest in the condition of our agricultural laborers. They worked from six o'clock in the morning till six o'clock in the afternoon, and for wages which in other countries they might earn in a few hours. They lived in cabins scarcely fit for savage men ; were fed miserably, and clad in rags. To-day, though for the most part, fed and housed quite as wretchedly as ever, they are attracting a good deal of attention to their just complaints ; and if the tenant-farmers here present, and those elsewhere whom my words may reach and possibly influence, would but take a bit of friendly advice from me, they would, from motives of policy as well as of gratitude, look, without delay, to the sad case of their laborers, and strive to improve their condition, as far as is possible for them in reason to do so. Fifthly, up to three years ago in Ireland agitation was at a discount. The people were without heart. They had been more than once betrayed by so-called leaders in whom they put their trust. Fine speeches were made for them, and fine promises given them ; but, the orator very often sold himself for pay or preferment soon after swearing that he would die rather than do so and the promises were left, for the most part, unfulfilled. But the trumpet of our resurrection was sounded at last. It had pleased Providence to spread famine like a pall, over the land. Men were awakened by it to a sense of their mean and mendicant condition ; and the cry went forth, and was wafted by priests and people from shore to shore, that Ireland was made for the Irish, and that now or never we should assert our right, not alone to live, but to thrive as well in our native land. Our brethren in America and at the Antipodes took up the echoes of our expressed resolve, swelled the chorus of our complaints, and they gave to the whole civilized world the full and sickening story of Ireland's wretchedness and wrongs. Our rulers paused, pondering gravely at length on passing Irish events, gauged their significance aright ; and as usual, struck by the justice of our organization, introduced remedial measures of a substantial character into the House of Com-

mons, and passed them successfully into law. Thereupon, landlords trembled throughout the length and breadth of the land, and rack-rents received a staggering if not a death blow in Ireland. Moreover, we have a phalanx now representing us in the British House of Commons that cannot be bribed or intimidated; and, as we mean soon, please God, to pay our members we shall add largely, ere long, to the numerical and effective strength of the advanced party in Parliament. On the whole, then, we have been victorious. The justice of our cause has been universally recognized; rents have been reduced from twenty to twenty-five per cent. all round, even by Government Commissioners; further ameliorations are confidently hoped for; and so the sun of Ireland's prosperity may be said to have begun to shine out at last, after a long and dreary night of desolation and darkness. But what of the future? Are we able and willing to hold our own, and will we do so—whether against Kavanagh's confiscation scheme, or the coercive legislation of Mr. Gladstone? Will the Landlord League like Aaron's rod, eat up the People's League, and will the threats of fine and imprisonment with which the air is now full frighten and corrupt us? On this score I have no apprehensions. But, my dear friends, you have heard it said, and truthfully said, that force is no remedy. I take leave to add, and to add most emphatically, as a warning to you, that crime in like manner is no remedy. It is my firm conviction that you have no enemy to dread at this moment but yourselves! Crime and outrage on the part of any section of our people are the only things that I am now afraid of. I dread crime—first, because it is sinful, and because I believe that sin, as a rule, is punished even in this life. I dread crime, secondly, because it will give you a bad name where we desire to be well thought of, estranging from our cause the sympathies of all good and high minded men, besides bringing direct disgrace on our religion and country. I dread it, thirdly, because of the suffering and sorrow which it is sure to entail, not upon its victims alone, but upon its agents and abettors as well. Be just and fear not—that is my motto. Let it be yours also. Violate no law, whether human or divine. Avail yourselves, by all means, of every constitutional agency still within your reach to assert your inalienable right to live and thrive in Ireland. Bear ill-will to no

body ; tolerate all, but trust, in those troubled times, only a few. All the coercive laws that can be dreamed will not succeed, I fear, in inducing our people to love and make free with, however they may pray for and forgive, those who have injured and insulted them, or sided with their reputed enemies ; but be that as it may, no law can oblige you to bid for a vacant evicted farm, or to pay an amount of rent which you have notoriously been unable to make. Be cautious, then, be resolute, and above all, be reasonable. Now, as in the past, whatever you do in the way of agitation, let it be done or spoken in the open light of day. Stick to the old country for weal or woe. Don't think of emigrating if you can at all help it. Ireland is the fittest place for Irishmen to live in. Hold on to the original lines of the national organization. Strive to secure your land in fee, or, at least, for the fair letting value. Have nothing to do with theories however plausible or attractive. Avoid angry collision of any sort with the constitutional authorities ; submit quietly to what you cannot control ; be prepared to make reasonable sacrifices for the public weal ; put your trust in God above you ; and rest assured withal of the full and final triumph of right and justice."

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## APPENDIX I.

### MR. DAVITT'S PLAN FOR NATIONALIZING THE LAND OF IRELAND.

[An extract from a speech delivered at Liverpool, June 6th, 1882.]

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"I am about to undertake a task that should have been performed long ago, that is the definition of "the land for the people"—the charter cry of the Land League and the bugbear of the Conservative organs. In doing this I will lay myself open to the suspicion of differing from Mr. Parnell and most of my colleagues in the Land League movement, but the fact is, there is not a particle more of difference of opinion between the member from Cork and myself upon this question than there was when we first stood together upon a public platform in Westport three years ago. Mr. Parnell advocates peasant proprietary. I am in

favor of the land becoming the national property of Ireland. If peasant proprietary is conceded either by Lord Salisbury when he gets into power or by Mr. Gladstone ere he gets out, I am perfectly satisfied that the purchase money that must be advanced by the State for carrying out such a scheme will become the title deed of the State to the land of Ireland, and that the nationalization of the land will be the consequence. Believing this to be inevitable from the growing poverty of Irish agriculture, I am almost indifferent whether Mr. Parnell's plan or my own be adopted; but as I was the first to raise the cry of "The land for the people," I think the time has now come for giving a clear definition of what I mean and propose. The following statistics will be given only as an approximation to the actual figures, because I have been compelled to borrow them from my "Jail Journal," and I have not had time since my release from prison to compare them with later official returns—putting the average annual value of all the cereal produce of Ireland at £30,000,000 and the annual produce of live stock wealth at say half the total return for any given year, we will have about an equal sum of £30,000,000. This will give, say £60,000,000 as the total annual produce of the land. Assuming the present annual rental of the land to be £15,000,000 we have thus one-fourth of the gross produce of Ireland or twenty per cent. of the annual wealth of the country, seized upon by the Irish landlords. Twenty pounds out of every one hundred that is earned by the labor and enterprise of our agricultural class is claimed by a small number of persons who contribute nothing whatever to its production, and to cap the climax of this annual confiscation by taking most of the money out of the country which produced it, and spend it to the benefit of other lands and people than ours. I maintain that rent for land that is cultivated by labor alone, or by the joint agencies of capital and labor, independent of landlord assistance, risk, or superintendence, is an unjust and indefensible tax upon a country's industry, that can be more truly described as legal theft than by the conventional terms that designate it a tribute legally due to the prescriptive rights of an unjustly privileged class. If the land became national property, landlordism being abolished, and full State protection and encouragement given to the produce of industry and capital, it would be no exaggerated estimate to put down the yearly value of the cereal

wealth as double the present amount, that is, £60,000,000. Added to this the former estimate of yearly live stock wealth, we would have a total of £90,000,000 annually from the land of Ireland. Allowing 10 per cent. off this for diminution of prices consequent upon increased production, we would still have £20,000,000 more wealth from the soil every year than we have now under the existing state of things. Instead of charging this yearly cereal and live stock wealth with a 20 per cent. rent to the landlords, it would only be taxed under the national land system in proportion to the amount of money required for the civil government of the country, administration of law, police, education, hospitals, poor rate, water rates or the various public purposes for which special taxes are now levied upon the country, and duties placed upon the food and comforts of the people. To see what such a tax would amount to ordinarily and thereby determine the difference between the rent now paid to the landlord and the land tax that would then have to be paid to the State, it will be necessary to make an estimate of the probable annual public expenditure of Ireland. We will put down the cost of civil administration, including payment of police, at £4,000,000; education, £1,500,000; poor rate, £1,000,000; total local rates, £2,000,000; borough and water rates, £1,000,000; giving in all a total of £9,500,000 annual outlay in carrying on the national business of the country. In order to meet this yearly public charge without levying a penny of it upon the non-agricultural classes, that is exempting all classes from both the direct and indirect taxation that is now imposed for Imperial and local government purposes, we should only have to abolish landlordism and rent for land, and place such a tax upon the land values as would meet the public expenditure, as just specified. Ten per cent. on the gross annual agricultural produce of Ireland, or half what is now paid to the landlords in rent and lost to the country would, under the national land system, carry on the civil government of Ireland, save the tenant farmer half of what he now pays in rent, remove all the taxes that now fall upon the mercantile, commercial, professional, and industrial classes, and take off those duties from the commodities of daily life that burden the lives of the artisan and laboring classes, and deprive the masses of healthy and sufficient food. The State would simply be the

steward of the national property for the use of that property, and for the protection that would be given to the farmer and laborers who worked it from the confiscation of their interest in the same a tax of say ten per cent. upon the estimated annual produce would be levied. This tax, instead of going into the pockets of a class, and being lost to the country, would be expended in the interests of the country, and would augment the national prosperity. The farmer would have absolute security of tenure from the State, subject to the payment of this nominal tax, while the property which his capital and industry would create in the land he cultivated, would be his to dispose of when he pleased, as tenant right is now sold or disposed of, when farmers so desire; such tenant right or property created in the soil by improvements not to be interfered with or taken by the State without a full equivalent compensation being given in return by the State; agricultural laborers to be secured the occupancy of such plots of land by the State as would be sufficient to supply themselves with the independency and comforts that are claimed for them under the peasant proprietary plan; the professional and trading classes would be exempt from direct taxes; the great industrial and laboring classes would be freed from all the tribute that is now levied upon their earnings in the shape of borough and county rates, while those duties which place nearly all the comforts and luxuries of life beyond the reach of the poorer industrial orders could be entirely removed to the direct gain of the whole community. Thus the non-agricultural classes would receive a dividend out of the annual produce of the land equivalent to what they now pay out of their earnings for the carrying on of the general and local government of the country, the education of the people, and the support of the destitute and infirm; while the farmers would possess all the security that a peasant proprietary could offer without having to provide the purchase money, which such a scheme would require them to pay for the fee simple of the land. They, like the rest of the community, would also be free from the taxes, rates, and duties upon articles of consumption that are now levied upon the public generally. This is what I mean by "the land for the people." The questions that will at once be addressed to the proposer of such a scheme of social reform will be—1st. Upon what grounds can the

land be resumed as the property of the State? 2d. Would such system be the best for society and the interests of good Government? 3d. Is it feasible, and what compensation, if any, are the landlords to receive for the expropriation of the property which they claim to have in the soil? I will endeavor to answer those objections in the order in which I have put them. To make the land of Ireland or of any other country national property, would simply be the resumption of that State ownership of the soil which obtained amongst all nations anterior to the system of land monopoly which class government has established for the aggrandizement of a privileged section of society. This system of land monopoly having failed completely as a land code—as is evidenced in the social discontent, the prevalence of poverty, and the non-fulfillment of the obligations upon the performance of which it could alone rest a claim for existence—it becomes both our duty and the right of the State to call upon “the unjust steward to give an account of his stewardship, for he can now be steward no longer.” To permit a class to hold the land of a country as its absolute property involves the giving of an influence over the lives, happiness and industry of the people of that country inconsistent with the freedom and welfare of mankind, the maintaining of which should be the primary object of every people. The right of all men to participate in the benefits of the soil by the State ownership thereof can be claimed from the fact that land is a natural agent, and that the value of land arises from and is maintained by the aggregation of population and the exercise of industry by a people. The value thus imparted belongs to the people and not to an individual or a class. That a national land system would be the best for society and good government is self-evident. By insuring a more equal distribution of wealth, increasing the productiveness of the soil through the breaking up of large estates, and giving a stimulus to agricultural industry, poverty would be diminished and crime deprived of most of the incentives to its commission, while Government would have on its side the conservatism that would not fail to result from the removal of all grounds for agrarian crime and social discontent through a just and final settlement of a burning question. The feasibility of such a settlement will be best evidenced by grappling at once with the chief difficulty in the



way of any scheme of land reform that aims at the abolition of landlordism. I will endeavor to show how this difficulty can be successfully met. The question of compensation is practically the only one now left to discuss in connection with the fate of Irish landlordism. I start with the proposition that in accordance with strict justice the landlords of Ireland are not entitled to their fares from Kingstown to Holyhead for the loss of their criminally abused proprietary rights, but as conventional justice or the claims of prescriptive right cannot possibly be repudiated by the English Government or avoided by Ireland, if a peaceful settlement of the land war is to be arrived at, we must face the question of compensation. Well, according to even conventional or political justice those who by their enterprise and labor have given the present value to the land of Ireland are surely entitled to their share of its market price, in other words, the farmer's property in the soil which he alone has improved by his industry and capital, must be equal in value to that claimed by the landlord in virtue of either purchase or prescriptive right. Leaving this property to the farmer we will only have to deal with the landlord's share. To determine this it would be necessary to arrive at an estimate of the intrinsic worth in the land anterior to the increment of its value by the present generation. In the time of Dean Swift the annual rental of Ireland was but £2,000,000. To-day it is about £15,000,000. Will any one conversant with the history of Irish landlords since that date hesitate to say whether this increased value is due to the landlords or to the people of Ireland? Taking the farmer's and the landlord's interest to be equal the latter share of the market price of the land of Ireland now would be twenty years' purchase of half the present annual rental, or £140,000,000. This sum I would propose to raise by either a public loan or the issue of Government bonds bearing 3 per cent. interest, principal and interest to be chargeable to Ireland's contribution to the Imperial revenue. Thus the annual revenue of Ireland, say £7,000,000 interest on £140,000,000 at 3 per cent. per annum, £4,200,000, leaving an annual balance of £2,800,000 for sinking fund, with which to pay off the principal. This it would do in a period of about fifty years, the land tax of, say, 10 per cent. supplying the expenditure of civil administration, now met by such revenue. By this plan of set-



tlement Ireland itself would get rid of landlordism without touching the pockets of the English taxpayer. A compensation would be given to the landlords to which, in strict justice, they are not entitled. All incentives to social discontent would be removed, agrarian outrage would of necessity disappear from the absence of landlords' tyranny and conflicting agrarian interests, while the whole country would not fail to commence a new life of peace, contentment and prosperity. To this plan of settlement, even if granted to be feasible, there will be two objections made representing extremes of the Anglo-Irish difficulty. The English Government may say that the people of Ireland would refuse to pay a land tax for the support of alien rule, that similar difficulties would arise in the collection of such a tax as are now encountered in the exaction of rent. I will dispose of these objections before discussing the more serious one that will be offered from the other extreme. There could be no more difficulty in collecting such a tax than has to be met in collecting the ordinary direct revenue of the country at present. The fact that a land tax that would probably never exceed half the amount that is now paid in rent was to be expended for the good of the country and would constitute the farmer's title to security in his holding, would make such an annual tribute a willing contribution. His property in the soil would also be a reliable security against the redemption of fiscal obligation. The other objection is a more serious one than that just answered, as it will stand upon the strong ground of Irish national sentiment and appeal to the fears that jealously guard the highest aspiration of our race. To propose that the English Government should become the owner, steward, or guardian of the soil of Ireland, will at first sight appear an anti-national settlement of the land question, and one which involves a principle of renunciation that cannot be sanctioned by Irishmen who belong to the extreme or Nationalist party. I am convinced, however, that a calm consideration of the question will dissipate the idea that the nationalization of the land of Ireland is any more of a recognition of England's right to rule us than is involved in the payment of taxes or in calling upon its Government to advance the necessary funds for the carrying out of a scheme of peasant proprietary. While I yield to no Irishman alive in my allegiance

to the principle of Ireland's right to govern itself I would infinitely prefer to deal direct with an English Government than with its exacting and unscrupulous mercenaries, the Irish landlords. Better to have the land of our country administered by even an Executive English authority, than see it made the instrument of social slavery and degradation of tyranny and exaction by the merciless and polluted hand of Irish landlordism. There is, of course, the probability that such a land code would appeal to the Conservative instincts of an agricultural people and cause them to look with favor upon, and to pay an allegiance to the power that would secure them the enjoyment of social peace and prosperity. This result may be reasonably expected from any settlement of the land question whatever that may be won from. The Government of England, as the great majority of mankind, are rationally actuated by that excusable selfishness which impels them as in the ordinary affairs of business life to seek the best bargain from society in the matter of human comfort and security. When contending powers are aiming for the approval and support of the people, who are to be benefited by the outcome of the contest? It is only natural to expect that whoever gives to or secures most for the people will gain most in their regard. Admitting, what no man can deny, that England must be a factor in any settlement of the land question that takes place, so long as England's authority is dominant in Ireland the selection of land systems must be determined by their relative merits as such, and their respective adaptability to the genius and requirements of our people. I contend, therefore, that the nationalization of the land under the existing political relationship of the two countries would be no more of an abandonment of national right or national honor than is involved in any transaction of the every-day political life of our country, while I claim for such a settlement more solid social advantages, both for the agricultural and non-agricultural classes alike than can be obtained under an improvement of the existing system or by the substitution of a peasant proprietary. But my proposal or plan of pacification does not rest here. The social difficulty is not the only factor in the Anglo-Irish question. An older difficulty and an equally disturbed element in the policy of the social life of our country is its present system of government. That Dub-

lin Castle rule is as monstrous a failure as Irish landlordism is a proposition which none will be found courageous enough to deny. It is simply a systematized rule of national exasperation, a mode of administration as little understood by the English people, and as unrepresentative of constitutional Government as if the ill-omened edifice that stands upon Corkhill were situated on the banks of the Yang Tse Kiang, instead of being a few hours sail of Liverpool. It is at last becoming as evident to enlightened English opinion that Ireland must be granted some form of self-government as that Irish landlordism is repudiated by our people, and has proved a complete and disastrous failure. It is no extravagant proposition, therefore, to couple the settlement of the national with that of the land question, and to insist that rational demands upon both must be considered by English public opinion. The present is the most opportune time that has presented itself for the solution of the Anglo-Irish difficulty since the passage of the Act of Union, and the only effectual remedy in my opinion is self-government for Ireland and the nationalization of the land under the administration of an Irish Parliament. That this will be considered an extreme programme by most of the English press I am prepared to admit, but I am confident that if Englishmen will approach the discussion of it with calm and unprejudiced minds it will be found to contain the basis upon which Ireland's peace and happiness may be built with safety and credit to the enlightened statesmanship that may have courage and foresight enough to offer timely justice to a people who are no longer a power to be despised or a nation willing to submit to continued insult and injustice. I would ask Englishmen to remember that there is not a single newspaper in England, or scarcely a public man, representing English public feeling that does not now admit that England's rule of Ireland has been unjust, illogical, and indefensible in the past. What has convinced them of this? Movements like that which the Government is now desirous of suppressing, men who are undergoing the same punishment, encountering the same calumny and abuse that were heaped upon Irish public men connected with former agitations. Time will again vindicate the cause I am advocating here to-night, and show that the Land League leaders who are now stigmatized in every possible language of abuse and

misrepresentation are advancing the true remedy for admitted wrongs and position, but the means by which that remedy can be applied, and which, if rejected, as other remedies have been rejected in the past, an English generation will yet live to mourn and deplore.

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## APPENDIX J,

### THE COERCION ACT OF 1881.

*An Act for the better Protection of Person and Property in Ireland.—2d March, 1881.*

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. (1.) Any person who is declared by warrant of the Lord Lieutenant to be reasonably suspected of having at any time since the thirtieth day of September one thousand eight hundred and eighty been guilty as principal or accessory of high treason, treason-felony, or treasonable practices, wherever committed, or of any crime punishable by law committed at any time since the thirtieth day of September one thousand eight hundred and eighty in a prescribed district, being an act of violence or intimidation, or the inciting to an act of violence or intimidation, and tending to interfere with or disturb the maintenance of law and order, may be arrested in any part of Ireland and legally detained during the continuance of this Act in such prison in Ireland as may from time to time be directed by the Lord Lieutenant, without bail or mainprize; and shall not be discharged or tried by any court without the direction of the Lord Lieutenant; and every such warrant shall, for the purposes of this Act, be conclusive evidence of all matters therein contained, and of the jurisdiction to issue and execute such warrant, and of the legality of the arrest and detention of the person mentioned in such warrant.

(2.) Every warrant whereby any person is declared to be reasonably suspected of any crime other than high treason, treason felony, or treasonable practices, shall state the character of such

crime. A copy of the warrant of arrest shall be given to each person arrested under this Act on the occasion of his arrest.

(3.) Any person detained in pursuance of a warrant under this Act shall be treated as a person accused of crime and not as a convicted prisoner, subject to the special rules for the time being in force with respect to prisoners awaiting trial; Provided that the Lord Lieutenant may from time to time if he shall think fit, make regulations modifying such special rules so far as they relate to persons detained under this Act. Any regulations made by the Lord Lieutenant under this provision shall be laid before both Houses of Parliament within fourteen days after the making of the same, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament, and when Parliament is not sitting such regulations shall within fourteen days be published in the *Dublin Gazette*.

(4.) A list of all persons for the time being detained in prison under this Act, with a statement opposite each person's name of the prison in which he is detained for the time being, and of the ground stated for his arrest in the warrant under which he is detained, shall be laid before each House of Parliament within the first seven days of every month during which Parliament is sitting, and when Parliament is not sitting such list shall be published in the *Dublin Gazette* within the first seven days of every month.

(5.) On the expiration of a period of three months after the arrest of each person detained under this Act, and so from time to time on the expiration of each succeeding period of three months while such person is detained, the Lord Lieutenant shall consider the case of such person and decide thereon; and the decision of the Lord Lieutenant in that behalf shall be certified under his hand, or the hand of the Chief Secretary of the Lord Lieutenant, to each Clerk of the Crown, by whom a copy of the warrant under which such person shall be detained shall be filed in his public office, under this Act, and each such Clerk of the Crown shall record such decision by indorsement on the copy of the warrant so filed in his office.

(6.) No person discharged from detention under this Act shall be so discharged at a greater distance than five miles from the place whereat he was first arrested under this Act, unless he shall

himself prefer to be discharged at a place nearer to the prison wherein he was last detained.

(7.) "Prescribed district" means any part of Ireland in that behalf specified by an order of the Lord Lieutenant for the time being in force, and the Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make, and when made, revoke and alter any such order.

2. The enactments contained in the third section of the Relief of Distress (Ireland) Act, 1880, as amended by the ninth section of the Relief of Distress (Ireland) Amendment Act, 1880, shall, so far as relates to the families of persons for the time being detained under this Act, continue in force during the continuance of this Act.

3. (1) Any warrant or order of the Lord Lieutenant under this Act may be signified under his hand or the hand of the Chief Secretary to the Lord Lieutenant, and a copy of every warrant under this Act shall, within seven days after the execution thereof, be transmitted to the clerk of the Crown for the county in which was the last known place of abode of the person arrested under such warrant, and be filed by the said clerk of the crown in his public office in said county; and a further copy of every such warrant shall, within seven days after the execution thereof, be transmitted to the clerk of the Crown for the county of the city of Dublin, and be filed by him in his public office in that city; and each such clerk of the Crown shall furnish a copy of such warrant free of charge, certified under his hand to be a true copy, on demand, to any relative of the person arrested under such warrant or his solicitor.

(2.) The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make, and when made revoke and alter, an order prescribing the forms of warrants for the purposes of this Act, and any forms so prescribed shall when used be valid in law.

(3.) If any member of either House of Parliament be arrested under this Act the fact shall be immediately communicated to the House of which he is a member, if Parliament be sitting at the time, or if Parliament be not sitting, then immediately after Parliament reassembles, in like manner as if he were arrested on a criminal charge,

(4.) Every order under this Act shall be published in the *Dub-*

*lin Gazette*, and the production of the printed copy of the *Dublin Gazette* purporting to be printed and published by the Queen's authority, containing the publication of any order under this Act, shall be conclusive evidence of the contents of such order, and of the date thereof, and of the same having been duly made.

(5.) The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

3. This Act shall continue in force until the thirtieth day of September one thousand eight hundred and eighty-two and no longer.

## APPENDIX K.

### LAND LAW (IRELAND) ACT, 1881.

44 and 45 Vict. Ch. 49.

#### ARRANGEMENT OF SECTIONS.

#### PART I.

#### ORDINARY CONDITIONS OF TENANCIES.

Section.

1. Sale of tenancies.
2. Prohibition of subdividing and subletting.
3. Devolution of tenancies.
4. Increase of rent to attract statutory conditions or enhance price on sale.
5. Incidents of tenancy subject to statutory conditions.
- Amendment of Law as to Compensation for Disturbances.*
6. Repeal of 33 & 34 Vict. c. 46 s. (in part), and s. 13.
- Amendment of Law as to Compensation for Improvements.*
7. Amendment of 33 & 34 Vict. c. 46. as to compensation for improvements.

#### PART II.

#### INTERVENTION OF COURT.

8. Determination by court of rent of present tenancies.
9. Equities to be administered by court between landlord and tenant.

## PART III.

## EXCLUSION OF ACT BY AGREEMENT.

*Judicial Leases.*

10. Lease approved by court during its continuance to exclude provisions of the Act.

*Fixed Tenancies.*

11. Present ordinary tenancy converted into fixed tenancy.
12. Conditions of fixed tenancy.

## PART IV.

## PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

*Miscellaneous.*

13. Regulations as to sales and application to court to fix rent.
14. Limited administration for purposes of sale
15. Provision for determination of estate of immediate landlord.
16. Provision as to certain small tenancies.
17. Provision as to certain claims of pasturage and turbary.
18. Letting for laborers' cottages not to be within the restrictions of Act.
19. Power of court, on application for the determination of judicial rent, to impose conditions as to laborers' cottages.
20. Rules as to determination of tenancy.
21. Provisions as to existing leases.

*Extent of Power to Contract out of Act.*

22. Contracts inconsistent with Act, how far void.

*Limited Owner.*

23. Powers of limited owner.

## PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND,  
AND EMIGRATION.*Acquisition of Land by Tenants.*

24. Advances to tenants by commission for purchase of holdings.
25. Power to limited owner to sell holding and leave one-fourth of price of holding on mortgage.
26. Purchase of estates by commission and resale in parcels to tenants.



- 27. Sale to public of parcels not purchased by tenants.
- 28. Terms of repayment of advances made by commission.
- 29. Provision as to purchases and sales by land commission.
- 30. Conditions annexed to holdings whilst subject to advances.

*Reclamation of Land and Emigration.*

- 31. Reclamation of land.
- 32. Emigration.

*Supplemental Provisions.*

- 33. Supply of money to land commission for purposes of Act.
- 34. Proceedings of commission.
- 35. Transfer of purchase powers of Board of Works to land commission.
- 36. Rules as to fixing percentages, purchase moneys, &c.

PART VI.

COURT AND LAND COMMISSION.

*Description of Court and Proceedings.*

- 37. Court to mean civil bill court.
- 38. Incorporation of certain provisions of 33 & 34 Vict. c. 46.
- 39. Exceptional provisions for certain officers.

*Arbitration.*

- 40. Reference to arbitration.

*Appointment and Proceedings of Land Commission.*

- 41. Constitution of land commission.
- 42. Incorporation of commission.
- 43. Appointment of assistant commissioners.
- 44. Quorum of commission.
- 45. Appointment of officers.
- 46. Salaries of commission.
- 47. Appeal to land commission.
- 48. Powers of commission.
- 49. Power for land commission and sub-commissioners to employ officers and servants of civil bill court.
- 50. Rules for carrying Act into effect.
- 51. Service of civil bill processes and limitation of costs.
- 52. Appearance of parties before commission and sub-commission.

53. Existence of land commission not to create vested interests.
54. Disqualification for seat in Parliament.
55. Annual report by land commission.
56. Audit of account of land commission.

## PART VII.

## DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

57. Definitions.
58. Tenancies to which the Act does not apply.
59. Arrears of rent, how dealt with.
60. Savings in case of inability to make immediate application to court.
61. Application of Act.
62. Short title Act.

*An Act to further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.*

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

## PART I.

## ORDINARY CONDITIONS OF TENANCIES.

1. The tenant for the time being of every holding, not hereinafter especially excepted from the provisions of this Act, may sell his tenancy for the best price that can be got for the same, subject to the following regulations and subject also to the provisions in this Act contained with respect to the sale of a tenancy subject to statutory conditions :

- (1.) Except with the consent of the landlord, the sale shall be made to one person only :
- (2.) The tenant shall give the prescribed notice to the landlord of his intention to sell his tenancy :
- (3.) On receiving such notice the landlord may purchase the tenancy for such sum as may be agreed upon, or in the event of disagreement may be ascertained by the court to be the true value thereof :

- (4.) Where the tenant shall agree to sell his tenancy to some other person than the landlord, he shall, upon informing the landlord of the name of the purchaser, state in writing therewith the consideration agreed to be given for the tenancy :
- (5.) If the tenant fails to give the landlord the notice or information required by the foregoing sub-sections, the court may, if it think fit and that the just interests of the landlord so require, declare the sale to be void :
- (6.) Where the tenancy is sold to some other person than the landlord, the landlord may within the prescribed period refuse on reasonable grounds to accept the purchaser as tenant : In case of dispute the reasonableness of the landlord's refusal shall be decided by the court : Provided that the landlord's objection shall be conclusive in the case of any tenancy in a holding where the permanent improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to compensation under the provisions of the Landlord and Tenant (Ireland) Act, 1870, as amended by this Act, have been made by the landlord or his predecessors in title, and have been substantially maintained by the landlord and his predecessors in title, and not by the tenant or his predecessors in title :
- (7.) Where the tenancy is subject to any such conditions as are in this Act declared to be statutory conditions, and the sale is made in consequence of proceedings by the landlord for the purpose of recovering possession of the holding by reason of the breach of any of such conditions, the court shall grant to the landlord out of the purchase moneys payment of any debt, including arrears of rent, due to him by the tenant and compensation by way of damages for and injury he may have sustained from the tenant by breach of any of such conditions, except the condition relating to the payment of rent :
- (8.) Where permanent improvements on a holding have been made by the landlord or his predecessors in title solely or by him or them jointly with the tenant or his predecessors in title, or have been paid for by the landlord or his predecessors in title, and the landlord, on application of the tenant, consents that his property in such improvements shall

be sold along with the tenancy, and the same is so sold accordingly, the purchase money shall be apportioned by the court as between the landlord's property in such improvements and the tenancy, and the part of the purchase money so found to represent the landlord's property in such improvements (but subject to any set-off claimed by the tenant) shall be paid to the landlord; and such improvements so sold shall be deemed to have been made by the purchaser of the tenancy:

- (9.) Where a tenant sells his tenancy to any person other than the landlord, the landlord may at any time within the prescribed period give notice both to the outgoing tenant and to the purchaser of any sums which he may claim from the outgoing tenant for arrears of rent or other breaches of the contract or conditions of tenancy. And

(a.) If the outgoing tenant does not within the prescribed period give notice to the purchaser that he disputes such claims or any of them, the purchaser shall out of the purchase moneys pay the full amount thereof to the landlord; and

(b.) If the outgoing tenant disputes such claims or any of them, the purchaser shall out of the purchase moneys pay to the landlord so much (if any) of such claims as the outgoing tenant admits, and pay the residue of the amount claimed by the landlord into court in the prescribed manner.

Until the purchaser has satisfied the requirements of this sub-section, it shall not be obligatory on the landlord to accept the purchaser as his tenant.

- (10.) Where any purchase money has been paid into court it shall be lawful for the landlord and also for the outgoing tenant and for the purchaser respectively to make applications to the court in respect of such purchase money; and the court shall hear and determine such applications, and make such order or orders thereupon as to the court may seem just:

- (11.) A tenant who has sold his tenancy on any occasion of quitting his holding shall not be entitled on the same occasion to receive compensation for either disturbance or improvements; and a tenant who has received compensation for

either disturbance or improvements on any occasion of quitting his holding shall not be entitled on the same occasion to sell his tenancy.

(12.) The tenant of a holding subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom may sell his tenancy either in pursuance of that custom or usage, or in pursuance of this section, but he shall not be entitled to sell partly under the custom or usage and partly under the provisions of this section :

(13.) If the tenant of a tenancy subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom sells his tenancy in pursuance of this section, the tenancy, unless purchased by the landlord, shall continue to be subject to such custom or usage :

(14.) When a sale of a tenancy is made under a judgment or other process of law against the tenant, or for the payment of the debts of the deceased tenant, the sale shall be made in the prescribed manner, subject to the conditions of this section, so far as the same are applicable :

(15.) Any sum payable to the landlord out of the purchase moneys of the tenancy under this section shall be a first charge upon the purchase moneys :

(16.) A landlord, on receiving notice of an intended sale of the tenancy may if he is not desirous of purchasing the tenancy otherwise than as a means of securing the payment of any sums due to him for arrears of rent or other breaches of the contract or conditions of tenancy, give notice within the prescribed time of the sum claimed by him in respect of such arrears and breaches, such sum failing agreement between the landlord and tenant to be determined by the court, and should the tenant determine to proceed with the sale, may claim to purchase the tenancy for such sum if no purchaser is found to give the same or a greater sum ; and the landlord, if no purchaser be found within the prescribed time to give the same or a greater sum, shall be adjudged the purchaser of the tenancy at that sum.

2. The tenant from year to year of a tenancy to which this Act applies shall not, without the consent of the landlord in writing, subdivide his holding or sublet the same or any part thereof. Agistment or the letting of land for the purpose of temporary

depasturage, or the letting in conacre of land for the purpose of its being solely used and which shall be solely used for the growing of potatoes or other green crops, the land being properly manured, shall not be deemed a sub-letting for the purposes of this Act.

3. Where the tenant of a tenancy to which this Act applies has bequeathed his tenancy to one person only, and the personal representatives of the tenant have assented to the bequest, such person shall have the same claim to be accepted as tenant by the landlord as if the tenancy had been sold to him by the testator.

Where the tenant of any such tenancy has bequeathed his tenancy to more than one person or dies intestate, then, if his personal representatives serve notice on the landlord, nominating some one of the legatees or persons entitled under the Statutes of Distribution to his personal estate, to succeed to the tenancy, such person shall have the same claim to be accepted by the landlord as if the tenancy had been sold to him by the testator or intestate, and in default of such notice the personal representative shall, if the landlord requires a sale to be made, within twelve months after the death of the tenant sell the tenancy, and in case of their default the landlord may sell the same under the direction of the court.

Where the tenant of a tenancy dies intestate and without leaving any person entitled to his personal estate, or any part thereof, such tenancy shall pass to the landlord, subject, however, to the debts and liabilities of the deceased tenant.

IV. Where the landlord demands an increase of rent from the tenant of a present tenancy (except where he is authorized by the court to increase the same as hereafter in this Act mentioned) or demands an increase of rent from the tenant of a future tenancy beyond the amount fixed at the beginning of such tenancy, then,

- (1.) Where the tenant accepts such increase, until the expiration of a term of fifteen years from the time when such increase was made (in this Act referred to as a statutory term) such tenancy shall (if it so long continues to subsist) be deemed to be a tenancy subject to statutory conditions, with such incidents during the continuance of the said term as are in this Act in that behalf mentioned:
- (2.) Where the tenant of any future tenancy does not accept such increase and sells his tenancy, the same shall be sold

subject to the increased rent, and in addition to the price paid for the tenancy he shall be entitled to receive from his landlord the amount (if any) by which the court may, on the application of the landlord or tenant, decide the selling value of his tenancy to have been depreciated below the amount which would have been such selling value if the rent had been a fair rent, together with such further sum (if any) as the court may award in respect of his costs and expenses in effecting such sale :

- (3.) Where the tenant does not accept such increase and is compelled to quit the tenancy by or in pursuance of a notice to quit, but does not sell the tenancy, he shall be entitled to claim compensation as in the case of disturbance by the landlord :
- (4.) The tenant of a present tenancy may in place of accepting or declining such increase apply to the court in manner hereafter in this Act mentioned to have the rent fixed.

V. A tenant shall not, during the continuance of a statutory term in his tenancy, be compelled to pay a higher rent than the rent payable at the commencement of such term, and shall not be compelled to quit the holding of which he is tenant except in consequence of the breach of some one or more of the conditions following (in this Act referred to as statutory conditions) ; that is to say,

- (1.) The tenant shall pay his rent at the appointed time :
- (2.) The tenant shall not, to the prejudice of the interest of the landlord in the holding, commit persistent waste by the dilapidation of buildings or, after notice has been given by the landlord to the tenant not to commit or to desist from the particular waste specified in such notice, by the deterioration of the soil :
- (3.) The tenant shall not, without the consent of his landlord in writing, subdivide his holding or sublet the same or any part thereof, or erect or suffer to be erected thereon, save as in this Act provided, any dwelling-house otherwise than in substitution for those already upon the holding at the time of the passing of this Act :

Agistment or the letting of land for the purpose of temporary depasturage, or the letting in conacre of land for the purpose of its being solely used and which shall be solely used for the grow-

ing of potatoes or other green crops, the land being properly manured, shall not be deemed a sub-letting for the purposes of this Act.

(4.) The tenant shall not do any act whereby his tenancy becomes vested in an assignee in bankruptcy :

(5.) The landlord, or any person or persons authorized by him in that behalf (he or they making reasonable amends and satisfaction for any damage to be done or occasioned thereby), shall have the right to enter upon the holding for any of the purposes following (that is to say) :

Mining or taking minerals, or digging or searching for minerals ;

Quarrying or taking stone, marble, gravel, sand, brick clay, fire clay, or slate ;

Cutting or taking timber or turf, save timber and other trees planted by the tenant or his predecessors in title, or that may be necessary for ornament or shelter, and save also such turf as may be required for the use of the holding ;

Opening or making roads, fences, drains, and water-courses ;

Passing and re-passing to and from the sea shore with or without horses and carriages for exercising any right of property or royal franchise belonging to the landlord ;

Viewing or examining at reasonable times the state of the holding and all buildings or improvements thereon ;

Hunting, shooting, fishing, or taking game or fish, and if the landlord at the commencement of the statutory term so requires, then as between the landlord and tenant the right of shooting and taking game, and of fishing and taking fish shall belong exclusively to the landlord, subject to the provisions of the Ground Game Act, 1880, and the provisions of the Act twenty-seven and twenty-eighth Victoria, chapter sixty-seven, shall extend where such right of shooting and taking game belongs exclusively to the landlord as though such exclusive right were reserved by the landlord to himself by deed. The word "game" for the purposes of this subsection means hares, rabbits, pheasants, partridges,



quails, landrails, grouse, woodcock, snipe, wild duck, widgeon and teal;

And the tenant shall not persistently obstruct the landlord, or any person or persons authorized by him in that behalf as aforesaid, in the exercise of any right conferred by this subsection.

During the continuance of a statutory term, all mines and minerals, coals and coal pits, subject to such rights in respect thereof as the tenant, under the contract of tenancy subsisting immediately before the commencement of the statutory term, was lawfully entitled to exercise, shall be deemed to be exclusively reserved to the landlord;

(6.) The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors.

Nothing contained in this section shall prejudice or affect any ejectment for nonpayment of rent instituted by a landlord whether before or after the commencement of a statutory term, in respect of rent accrued due for a holding before the commencement of such term.

During the continuance of a statutory term in tenancy, save as hereinafter provided, the court may, on application of the landlord, and upon being satisfied that he is desirous of resuming the holding or part thereof for some reasonable and sufficient purpose having relation to the good of the holding or of the estate, including the use of the ground as building ground, or for the benefit of the laborers in respect to cottages, gardens, or allotments, or for the purpose of making grants or leases of sites for churches or other places of religious worship, schools, dispensaries, or clergymen's or schoolmasters' residences, authorize the resumption thereof by the landlord upon such conditions as the court may think fit, and require the tenant to sell his tenancy in the whole or such part to the landlord upon such terms as may be approved by the court, including full compensation to the tenant.

Provided that the rent of any holding subject to statutory conditions may be increased in respect of capital laid out by the landlord under agreements with the tenant to such an amount as may be agreed upon between the landlord and the tenant.

*Amendment of Law as to Compensation for Disturbance.*

VI. There shall be repealed so much of section three of the Landlord and Tenant (Ireland) Act, 1870, as provides for the scale of compensation, and so much of the same section as declares that in no case shall the compensation exceed the sum of two hundred and fifty pounds, and so much of the same section as declares that a tenant in a higher class of the scale may at his option claim compensation under a lower class, and so much of the same section as prohibits tenants of holdings valued at such sums as are in the said section mentioned, and making such claims for compensation for disturbance as are in the said section mentioned, from being entitled to make separate or additional claims for improvements other than permanent building and reclamation of waste land, and the said section three shall hereafter be read as if from such section were omitted the words "for the loss which the court shall find to be sustained by him "by reason of quitting his holding," so that the said section shall be entitled to such compensation as the court, in view of all the circumstances of the case, shall think just, subject to the scale of compensation hereinafter mentioned.

The compensation payable under the said section three in the case of a tenant disturbed in his holding by the act of a landlord after the passing of this Act shall be as follows in the case of holdings—

Where the rent is thirty pounds or under, a sum not exceeding seven years' rent: {

Where the rent is above thirty pounds and not exceeding fifty pounds, a sum not exceeding five years' rent :

Where the rent is above fifty pounds and not exceeding one hundred pounds, a sum not exceeding four years' rent :

Where the rent is above one hundred pounds and not exceeding three hundred pounds, a sum not exceeding three years' rent :

Where the rent is above three hundred pounds and not exceeding five hundred pounds, a sum not exceeding two years' rent :

Where the rent is above five hundred pounds, a sum not exceeding one year's rent.

Any tenant in a higher class of the scale may, at his option, claim compensation under a lower class, provided such compen-

sation shall not exceed the sum to which he would be entitled under such lower class on the assumption that the rent of his holding was reduced to the sum (or where two sums are mentioned, the higher sum) stated in such lower class.

From and after the passage of this Act the thirteenth section of the Landlord and Tenant (Ireland) Act, 1870, shall be and the same is hereby repealed.

*Amendment of Law as to Compensation for Improvements.*

VII. A tenant on quitting the holding of which he is tenant shall not be deprived of his right to receive compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870, by reason only of the determination by surrender or otherwise of the tenancy subsisting at the time when such improvements were made by such tenant or his predecessors in title, and the acceptance by him or them of a new tenancy.

Where in tracing a title for the purpose of obtaining compensation for improvements, it appears that an outgoing tenant has surrendered his tenancy in order that some other person may be accepted by the landlord as tenant in his place, and such other person is so accepted as tenant, the outgoing tenant shall not be precluded from being deemed the predecessor in title of the incoming tenant by reason only of such surrender of tenancy by him.

The court in adjudicating on a claim for compensation for improvements made before any such change of tenancy or of tenants, shall take into consideration all the circumstances under which such change took place, and shall admit, reduce or disallow altogether such claim as to the court may seem just.

A flax scutching mill otherwise suitable to the holding on which it is erected shall not be deemed to be unsuitable to the holding on which it is erected by reason only that it is available for purposes beyond those of the holding on which it is situate.

## PART II.

### INTERVENTION OF COURT.

VIII. (1.) The tenant of any present tenancy to which this Act applies, or such tenant and the landlord jointly, or the landlord, after having demanded from such tenant an increase of rent which the tenant has declined to accept, or after the parties have

otherwise failed to come to an agreement, may from time to time during the continuance of such tenancy apply to the court to fix the fair rent to be paid by such tenant to the landlord for the holding, and thereupon the court, after hearing the parties, and having regard to the interest of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, may determine what is such fair rent.

(2.) The rent fixed by the court (in this Act referred to as the judicial rent) shall be deemed to be rent payable by the tenant as from the period commencing at the rent day next succeeding the decision of the court.

(3.) Where the judicial rent of any present tenancy has been fixed by the court, then, until the expiration of a term of fifteen years from the rent day next succeeding the day on which the determination of the court has been given (in this Act referred to as a statutory term), such present tenancy shall (if it so long continue to subsist) be deemed to be a tenancy subject to statutory conditions, and having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord, with this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the court, application by the landlord to authorize the resumption of the holding or part thereof by him for some purpose having relation to the good of the holding or of the estate, shall not be entertained by the court, unless—

(a.) Such present tenancy has arisen at the expiration of a judicial lease, or of a lease existing at the time of the passing of this Act, and originally made for a term of not less than thirty-one years; or

(b.) It is proved to the satisfaction of the court that before the passing of this Act the reversion expectant on the determination of a lease of the holding was purchased by the landlord or his predecessors in title with the view of letting or otherwise disposing of the land for building purposes on the determination of such lease, and that it is bona fide required by him for such purpose.

(4.) Where an application is made to the court under this section in respect of tenancy, the court may, if it think fit, disallow such application where the court is satisfied that on the holding in which such tenancy subsists the permanent improvements

in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to compensation under the provisions of the Landlord and Tenant (Ireland) Act, 1870, as amended by this Act, have been made by the landlord or his predecessors in title, and have been substantially maintained by the landlord and his predecessors in title, and not made or acquired by the tenant or his predecessors in title.

(5.) On the occasion of any application being made to the court under this section to fix a judicial rent in respect of any holding which is not subject to the Ulster tenant-right custom, or any usage corresponding to the Ulster tenant-right custom, the landlord and tenant may agree to fix, or in the case of dispute the court may fix, on the application of either landlord or tenant, a specified value for the tenancy; and, where such value has been fixed, then if at any time during the continuance of the statutory term the tenant gives notice to the landlord of his intention to sell the tenancy, the landlord may purchase the tenancy on payment to the tenant of the amount of value so fixed, together with the value of any improvements made by the tenant since the time at which such value was fixed, but subject to deduction in respect of any damage caused by dilapidation of buildings or deterioration of soil since the time at which the value was so fixed.

(6.) Subject to rules made under this Act the landlord and tenant of any present tenancy to which this Act applies, may, at any time if such tenancy is not subject to a statutory term, or if the tenancy is subject to a statutory term, then may, during the last twelve months of such term, by writing under their hands, agree and declare what is then the fair rent of the holding; and such agreement and declaration on being filed in court in the prescribed manner, shall have the same effect and consequences in all respects as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act.

(7.) A further statutory term shall not commence till the expiration of a preceding statutory term, and an alteration of judicial rent shall not take place at less intervals than fifteen years.

(8.) During the currency of a statutory term an application to the court to determine a judicial rent shall not be made except during the last twelve months of the current statutory term.

(9.) No rent shall be allowed or made payable in any proceedings under this Act in respect of improvements made by the

tenant or his predecessors in title, and for which, in the opinion of the court, the tenant or his predecessors in title shall not have been paid or otherwise compensated by the landlord or his predecessors in title.

(10.) The amount of money or money's worth that may have been paid or given for the tenancy of any holding by a tenant or his predecessors in title, otherwise than to the landlord or his predecessors in title, shall not of itself, apart from other considerations, be deemed to be a ground for reducing or increasing the rent of such holding.

IX. Where the court, on the hearing of an application of either landlord or tenant respecting any matter under this Act, is of opinion that the conduct of either landlord or tenant has been unreasonable, or that one has unreasonably refused any proposal made by the other, the court may do as follows :

It may refuse to accede to the application, or may accede to the same, subject to conditions to be performed by either landlord or tenant, or may impose on either party to the application the payment of the costs or the greater part of the costs of any proceedings, and generally make such order in the matter as the court thinks most consistent with justice.

### PART III.

#### EXCLUSION OF ACT BY AGREEMENT.

##### *Judicial Leases.*

X. The landlord and tenant of any ordinary tenancy and the landlord and proposed tenant of any holding to which this Act applies which is not subject to a subsisting tenancy, may agree, the one to grant and the other to accept a lease for a term of thirty-one years or upwards (in this Act referred to as a judicial lease), on such conditions and containing such provisions as the parties to such lease may mutually agree upon, and such lease, if sanctioned by the court, after considering the interest of the tenant, and where such lease is made by a limited owner, the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner, shall be deemed to be substituted for the former tenancy, if any, in the holding; and the tenancy shall during the continuance of such lease be regulated by the provisions of that lease alone, and shall not be deemed to be a tenancy to which this Act applies.

At the expiration of a judicial lease made to the tenant of a present tenancy and for a term not exceeding sixty years the lessee shall be deemed to be the tenant of a present ordinary tenancy from year to year, at the rent and subject to the conditions of the lease, as far as such conditions are applicable to such tenancy.

*Fixed Tenancies.*

XI. The landlord and tenant of any tenancy may agree that such tenancy shall become a fixed tenancy within the meaning of this Act, and such fixed tenancy upon being established shall be substituted for the tenancy previously existing in the holding, and shall not be deemed to be a tenancy to which this Act applies.

XII. A fixed tenancy shall be a tenancy held upon such conditions as may be agreed upon between the landlord and tenant establishing such tenancy, and in the case of a landlord who is a limited owner the court shall approve after considering the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner, subject to the following restrictions; that is to say,

- (1.) The tenant shall pay a fee-farm rent which may or may not be subject to re-valuation by the court at such intervals of not less than fifteen years as may be agreed upon between the landlord and tenant, the rent on any such re-valuation being such as the court, after hearing the parties, and having regard to the interests of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, shall determine to be fair; and
- (2.) The tenant shall not be compelled to quit his holding except on breach of some one or more of the conditions in this Act declared to be statutory conditions.

PART IV.

PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

*Miscellaneous.*

XIII. (1.) Where proceedings are or have been taken by the landlord to compel a tenant to quit his holding, the tenant may sell his tenancy at any time before but not after the expiration of six months from the execution of a writ or decree for possession

in an ejectment for nonpayment of rent and at any time before but not after the execution of such writ or decree in any ejectment other than for nonpayment of rent; and any such tenancy so sold shall be and be deemed to be a subsisting tenancy notwithstanding such proceedings, without prejudice to the landlord's rights, in the event of the said tenancy not being redeemed within said period of six months; and, if any judgment or decree in ejectment has been obtained before the passing of this Act, such tenant may within the same periods respectively apply to the court to fix the judicial rent of the holding, but subject to the provisions herein contained such application shall not invalidate or prejudice any such judgment or decree, which shall remain in full force and effect.

(2.) Where the sale of any tenancy is delayed by reason of any application being made to the court or for any other reasonable cause, the court may, on the application of the tenant, and on such terms and conditions as the court may direct, enlarge the time during which the tenant may exercise his power of sale, or in case of ejectment for nonpayment of rent redeem the tenancy.

(3.) Where any proceedings for compelling the tenant of a present tenancy to quit his holding shall have been taken before or after an application to fix a judicial rent and shall be pending before such application is disposed of, the court before which such proceedings are pending shall have power, on such terms and conditions as the court may direct, to postpone or suspend such proceedings until the termination of the proceedings on the application for such judicial rent; and the pendency of any such proceedings for compelling the tenant to quit his holding shall not interfere with the power of the court to fix such rent, or with any right of the tenant resulting from the rent being so fixed; and in such case any order made by the court for fixing the rent shall operate in the same manner as if such order had been made on the day of the date of application.

Provided, that proceedings shall not be taken by a landlord to compel a tenant to quit his holding for breach of any statutory condition, save as follows:

(a.) Where the condition broken is a condition relating to payment of rent, then by ejectment subject to the provisions of



the statutes relating to ejectment for nonpayment of rent ;  
and

(b.) Where the condition broken is any other statutory condition, then by ejectment founded on notice to quit.

(4.) Where a notice to quit is served by a landlord upon a tenant for the purpose of compelling the tenant to quit his holding during the continuance of a statutory term in his tenancy in consequence of the breach by the tenant of any statutory condition other than the condition relating to payment of rent, the tenant may, at any time before the commencement of an ejectment founded on such notice to quit, apply to the land commission, and after the commencement, or at the hearing of any such ejectment, may apply to the court in which the ejectment is brought, for an order restraining the landlord from taking further proceedings to enforce such notice to quit.

If the land commission or court to which such application is made are of opinion that adequate satisfaction for the breach of such condition can be made by the payment of damages to the landlord, and that the tenant may justly be relieved from the liability to be compelled to quit his holding in consequence of such breach, the commission or court may make an order restraining further proceedings on the notice to quit, upon the payment by the tenant of such sum for damages as they shall then, or after due inquiry, award to the landlord in satisfaction for the breach of the statutory condition, together with the costs incurred by the landlord in respect to the notice to quit and the proceedings subsequent thereto.

If the land commission or court are of opinion that no appreciable damage has accrued to the landlord from the breach of such condition, and that the tenant may justly be relieved as aforesaid, they may make an order restraining further proceedings on the notice to quit, upon such terms as to costs as they may think just.

(5.) The service of a notice to quit, to enforce which no proceedings are taken by the landlord, or the proceedings to enforce which are restrained by the court, shall not operate to determine the tenancy.

(6.) A tenant compelled to quit his holding during the continuance of a statutory term in his tenancy, in consequence of

the breach by the tenant of any statutory condition, shall not be entitled to compensation for disturbance.

XIV. The court on being satisfied that the tenant of any holding within the jurisdiction of the court has died, and that the tenancy of such tenant ought to be sold under this Act, and that there is no legal personal representative of such tenant, or no legal personal representative whose services are available for the purpose of selling the tenancy, may, on such terms and conditions, if any, as they may think fit, appoint any proper person to be administrator of the deceased tenant, limited to the purposes of such sale, and such limited administrator shall, for the purpose of selling the tenancy, represent the deceased tenant in the same manner as if the tenant had died intestate, and administration had been duly granted to such limited administrator of all the personal estate and effects of the deceased tenant.

Such limited administrator shall pay to the landlord, out of the purchase money, any sums due to the landlord by the deceased tenant in respect of his tenancy, and may pay the residue of the purchase money to a general administrator (if any) or into court.

XV. If in the case of any holding the estate of the immediate landlord for the time being is determined during the continuance or any tenancy from year to year, whether subject or not subject to statutory conditions, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy stand in the relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord.

XVI. A tenancy for a year certain created after the passing of this Act shall, for the purposes of this Act, and of the Landlord and Tenant (Ireland) Act, 1870, be deemed to be a tenancy from year to year.

A tenant holding under a tenancy less than a yearly tenancy created after the passing of this Act shall have the same rights under this Act as a yearly tenant, except where land is let merely for temporary convenience or to meet a temporary necessity.

XVII. Where the tenant of a holding by virtue of his tenancy exercises, in common with other persons, over uninclosed land, a right of pasturing or turning out cattle or other animals, or exercises a right of cutting and taking turf in common with other persons (which other persons, together with the tenant, are in

this section referred to as commoners), then if such holding becomes subject to a statutory term the court may, during the continuance of such term, on the application of the landlord, or of any commoner, by order restrain the tenant from exercising his right of pasture or cutting or taking turf in any manner other than that in which it may be proved to the court that he is, under the circumstances and according to the ordinary usage which has prevailed with the express or implied consent of the landlord amongst the commoners, reasonably entitled to exercise the same.

XVIII. Any person prohibited under this Act from letting or sub-letting a holding, may, after service of the prescribed notice upon the landlord, with the sanction of the court, and with power for the court to prescribe such terms as to rent and otherwise as the court thinks just, let any portion of land in a situation to be approved by the landlord, or failing such approval to be determined by the court, with or without dwelling-houses thereon to or for the use of laborers bona fide employed and required for the cultivation of the holding, and such letting shall not be deemed to be a sub-letting within the meaning of this Act, or to be a letting prohibited by this Act; and notwithstanding such sub-letting the tenant shall for the purposes of this Act be deemed to be still in occupation of the holding.

Provided, that the land comprised in each letting shall not exceed half an acre in extent, and that where the holding contains not more than twenty-five acres of tillage land, the number of such lettings shall not exceed one, and that where the holding contains more than twenty-five acres of tillage land, but not more than fifty acres of such land, the number of such lettings shall not exceed two; and so in proportion to the acreage of tillage land in the holding after fifty acres.

XIX. Where an application is made to the court for the determination of a judicial rent in respect of any holding, the court, if satisfied that there is a necessity for improving any existing cottages or building any new cottages, or assigning to any such cottage an allotment not exceeding half an acre, for the accommodation of the laborers employed on such holding, may, if it thinks fit, in making the order determining such rent, add thereto the terms as to rent and otherwise on which such accommodation for laborers is to be provided by the person making the application.

Where upon any such application the court requires the tenant of the holding to improve any existing cottage, or to build any new cottage, such tenant shall be deemed to be a person to whom a loan may be made under the Landed Property Improvement (Ireland) Acts for the improvement or building of dwellings for laborers, as if such person were an owner within the meaning of the seventh section of the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two; but any such loan may be made for a less sum than the sum of one hundred pounds.

XX. A tenancy to which this Act applies shall be deemed to have determined whether the landlord has resumed possession of the holding either on the occasion of a purchase by him of the tenancy, or of the default of the tenant in selling, or by operation of law, or reverter, or otherwise. Provided that:

(1.) The surrender to the landlord of a tenancy for the purpose of the acceptance or admission of a tenant or otherwise by way of transfer to a tenant shall not be deemed to be a determination of the tenancy:

(2.) Where the landlord has resumed possession of a tenancy from a present tenant, he may, if he thinks fit so to do, re-instate such tenant in his holding as a present tenant; and thereupon such tenancy shall again become subject to all the provisions of this Act which are applicable to present tenancies;

Provided always, that the landlord and tenant may at the time of such reinstatement agree on the rent to be paid by such tenant, and in such case such agreement shall have the same effect as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act;

(3.) Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies;

(4.) A tenant, holding under the Ulster tenant-right custom, or

a usage corresponding to the Ulster tenant-right custom, shall be entitled to the benefit of such custom, notwithstanding any determination of his tenancy by breach of a statutory condition, or of an act or default of the same character as the breach of a statutory condition.

Whenever a present tenancy is sold in consequence of a breach by the tenant, after the passing of this Act, of a statutory condition, or, in the case of a tenancy not subject to statutory condition of an act or default on the part of a tenant, after the passing of this Act, which would, in a tenancy subject to such conditions, have constituted a breach thereof, the purchaser or his successors in title to such tenancy shall not at any time thereafter be entitled to apply to the court under this Act to fix a judicial rent for the holding; but this provision shall not prejudice or affect the right of such purchaser or his successors to hold at such judicial rent during the residue of such statutory term, if any, as the holding may then be subject to, under the provisions of this Act.

XXI. Any leases or other contracts of tenancy existing at the date of the passing of this Act, except yearly tenancies and tenancies less than yearly tenancies, which said existing leases and contracts of tenancies (except as aforesaid) are in this section referred to as existing leases, shall remain in force to the same extent as if this Act had not passed, and holdings subject to such existing leases shall be regulated by the lawful provisions contained in the said leases, and not by the provisions relating to tenancies in that behalf contained in this Act: Provided that at the expiration of such existing leases, or of such of them as shall expire within sixty years after the passing of this Act, the lessees, if *bonâ fide* in occupation of their holding, shall be deemed to be tenants of present ordinary tenancies from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year; but this provision shall not apply where a reversionary lease of the holding has been *bonâ fide* made before the passing of this Act; and provided also that where it shall appear to the satisfaction of the court that the landlord desires to resume the holding for the *bonâ fide* purpose of occupying the same as a residence for himself, or as a home farm in connection with his residence, or for the purpose of providing

a residence for some member of his family, the court may authorize him to resume the same accordingly, in the manner and on the terms provided by the fifth section of the Act with respect to the resumption of a holding by a landlord: Provided always, that if the holding so resumed shall be at any time within fifteen years after such resumption re-let to a tenant, the same shall be subject from and after the time of its being so re-let, to all the provisions of this Act which are applicable to present tenancies.

On the termination of any such existing lease in any holding which if it had been held from year to year would have been subject to the Ulster tenant-right custom, or any usage corresponding therewith, the person who would have been entitled to make a claim under the first or second section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the same holding shall be entitled to do so notwithstanding that the holding was held under any such lease, but this proviso shall not apply to leases in which there is contained a provision expressly excluding the Ulster tenant-right custom or a usage corresponding therewith.

In any case in which the court shall be satisfied that since the passing of the Landlord and Tenant (Ireland) Act, 1870, the acceptance by a tenant from year to year of a lease of his holding containing terms which, in the opinion of the court, were at the time of such acceptance unreasonable or unfair to the tenant, having regard to the provisions of the said Act, was procured by the landlord by threat of eviction or undue influence, the court may, upon the application of the tenant made within six months after the passing of this Act, declare such lease to be void as and from the date of the application or order, and upon such terms as to costs or otherwise as to the court shall seem just; and thereupon the tenant shall at and from such date be deemed to be the tenant of a present ordinary tenancy from year to year at the rent mentioned in such lease. Any person aggrieved by the decision of the court in any proceedings under this section may, by leave of the court, which leave shall be granted unless the court shall consider the appeal frivolous or vexatious, appeal to Her Majesty's Court of Appeal in Ireland, and the decision of the said Court of Appeal shall be final and conclusive.

*Extent of Power to contract out of Act.*

XXII. A tenant whose holding or the aggregate of whose

holdings is valued under the Act relating to the valuation of rateable property in Ireland at an annual value of not less than one hundred and fifty pounds, shall be entitled by writing under his hand to contract himself out of any of the provisions of this Act or of the Landlord and Tenant (Ireland) Act, 1870.

Where the tenancy in a holding subject to the Ulster tenant-right custom or to any corresponding usage, has been purchased by the landlord from the tenant by voluntary purchase before the passing of this Act, then, if at the date of the passing of this Act the owner of any such holding is in actual occupation thereof, it shall be lawful, in the case of the first tenancy created in the holding after the passing of this Act, for the parties to the contract creating the same, by writing under their hands, to provide that such tenancy shall be exempt from the provisions of section one of this Act.

Save as in this section mentioned any provision contained in any lease or contract of tenancy or other contract made after the passing of this Act, which provision is inconsistent with any of the foregoing provisions of this Act or with any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, shall be void.

#### *Limited Owner.*

XXIII. A landlord being a limited owner, as defined by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may exercise under the foregoing provisions of this Act any powers which he might exercise if he were an absolute owner, with this exception, that except in the case of a body corporate, commissioners, or other like body, a limited owner shall not grant a judicial lease or create a fixed tenancy without the sanction of the court. Any fines or principal moneys arising from the exercise of such powers shall be dealt with in manner provided by the Lands Clauses Consolidation Acts hereafter in this Act defined with respect to the purchase money or compensation coming to parties having limited interests.

In the case of any holding subject to mortgage the prescribed notice of any agreement between landlord and tenant for granting a judicial lease or creating a fixed tenancy of such holding under the foregoing provisions of this Act, shall be served upon the mortgagee, and the mortgagee shall be entitled to intervene in such proceedings in the prescribed manner and subject to the prescribed conditions.



## PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND  
AND EMIGRATION.*Acquisition of Lands by Tenants.*

XXIV. (1.) The land commission, out of moneys in their hands, may, if satisfied with the security, advance sums to tenants for the purpose of enabling them to purchase their holdings, as follows, that is to say,—

(a.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the payment of a principal sum,

the land commission may advance to the tenant for the purposes of such purchase, any sum not exceeding three-fourths of the said principal sum,

(b.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the landlord a fee farm rent,

the land commission may advance to the tenant for the purpose of such purchase, any sum not exceeding one half of the fine payable to the landlord.

Provided that no advance shall be made by the land commission under this section on a holding subject to a fee farm rent, where the amount of such fee farm rent exceeds seventy-five per cent. of the rent which, in the opinion of the land commission, would be a fair rent for the holding.

(2.) Sales by landlords to tenants may on the application of either landlord or tenant be negotiated and completed through the medium of the land commission at a fixed price or percentage, according to a scale to be settled from time to time by the land commission with the consent of the Treasury.

(3.) Where an estate is subject to incumbrances, or any doubt arises as to the title, the land commission, if satisfied with the indemnity or terms given by the landlord may themselves indemnify the tenant against any such incumbrances, or any right, title, or interest adverse to or in derogation of the title of the landlord, and any such indemnity of the land commission shall be a charge upon the Consolidated Fund or the growing produce thereof.

XXV. A landlord of a holding, being a limited owner as defined



by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may by agreement, subject to the provisions of the Lands Clauses Consolidation Acts (except so much of the same as relates to the purchase of lands otherwise than by agreement), sell and convey such holding to the tenant, and may exercise to the same extent as if he were an absolute owner the power of permitting any sum not exceeding one-fourth in amount of the price which the tenant may pay as purchase money, to remain as a charge upon such holding secured by mortgage, and in case of any advance being made by the land commission under the provisions of this Act to the tenant for the purchase of such holding any such mortgage shall be subject to any charge in favor of the land commission for securing such advance; and any such mortgage and the principal moneys secured thereby shall be deemed to be part of the purchase money or compensation, payable in respect of the purchase of such holding, and shall be dealt with accordingly in manner provided by the Lands Clauses Consolidation Acts; and in the construction of the said Acts for the purposes of this section the expression "the special Act" shall be construed to mean this Act, and the expression "the promoters of the undertaking" shall be construed to mean the tenant.

XXVI. (1.) Any estate may be purchased by the land commission for the purpose of reselling to the tenants of the lands comprised in such estate their respective holdings, if the land commission are satisfied with the expediency of the purchase, and are further satisfied that a competent number of the tenants are able and willing to purchase their holdings from the land commission.

(2.) The sale by the land commission of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price whether paid immediately or by means of such advance as in this part of this Act mentioned or in consideration of a fine and of a fee farm rent, with this qualification, that the amount of the fee farm rent shall not exceed seventy-five per cent. of the rent which in the opinion of the land commission would be a fair rent, for the holding.

(3.) For the purposes of this section a competent number of tenants means a body of tenants who are not less in number than three fourths of the whole number of tenants on the estate,

and who pay in rent not less than two-thirds of the whole rent of the estate, and of whom a number, comprising not less than one-half of the whole number of tenants on the estate, and able and willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

The condition as to three-fourths of the number of tenants may be relaxed on special grounds with the consent of Lords Commissioners of the Treasury, but so that in no case less than half the number of tenants shall be able and willing to purchase.

(4.) The land commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding seventy-five per cent. of the said price, and to a tenant purchasing subject to a fee farm rent a sum not exceeding one half of the amount of the fine payable by the tenant.

(5.) In sales by land commission to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

The land commission may, if they are satisfied with the indemnity or terms offered or given by the vendor, purchase for the purposes of this section an estate subject to incumbrances, or an estate subject to any right, title or interest adverse to or in derogation of the title of the vendor, and the land commission may indemnify any person to whom they may sell any holding under this section against any such incumbrances or the enforcement of any such right, title, or interest, and such indemnity shall be a charge on the Consolidated Fund or the growing produce thereof.

XXVII. Where the land commission have purchased an estate they may sell any parcels which they do not sell to the tenant thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee farm-rent, or partly in one way and partly in the other.

The land commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be

made and to the indemnity which the land commission may give to the purchaser shall, except so far as the land commission otherwise direct, apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

XXVIII. (1.) Any advance made by the land commission for the purpose of supplying money for the purchase of a holding or parcel from the land commission shall be repaid by an annuity in favor of the land commission for thirty-five years of five pounds for every hundred pounds of such advance, and so in proportion for any less sum.

(2.) Every such advance shall be secured to the commission either in such manner as may be agreed on between the commission and the person to whom the advance is made, and as the commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the land commission were the Board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, or may pre-pay any instalments thereof in such manner and on such terms as is provided by section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, or in such other manner, and on such other terms, as the Treasurer may from time to time approve, having regard to due repayment of the loan and the protection of the land commission against loss by said loan.

XXIX. (1.) The land commission shall not purchase a leasehold estate under this part of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than sixty are unexpired at the time when the sale is made, or unless the land commission have purchased some greater right or interest in the estate in which the leasehold would be merged: Provided that—

(a.) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived; and

(b.) Nothing in this section shall prevent the purchase of an estate by reason only of a small part thereof being leasehold.

(2.) Any body corporate, public company, trustees for charities, commissioners or trustees for collegiate or other public purposes, or any person having a limited interest in an estate or any right or interest therein, may sell the same to the land commission, and for the purpose of the purchase by the land commission of any estate or any right or interest therein the Lands Clauses Consolidation Acts (except so much as relates to the purchase of land otherwise than by agreement) shall be incorporated with this Act, and in construing those Acts for the purposes of this section the "special Act" shall be construed to mean this Act, and "the promoters of the undertaking" shall be construed to mean the land commission, and "land" shall be construed to include any right or interest in land.

(3.) For the purpose of this Act "the Lands Clauses Consolidation Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860.

(4.) Any sale of a holding to a tenant by a landlord, also any sale to a tenant of a holding by the land commission in pursuance of this part of this Act, may be made either in pursuance of Part II. of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the land commission may think expedient; and for the purpose of the application of the said Part II., "price" in section thirty-two of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a fee farm rent as a principal sum, and the enactments relating to the distribution of the price shall apply with the necessary modifications.

XXX. (1.) As between the land commission and the proprietor for the time being of any holding for the purchase of which the land commission have advanced money in pursuance of this part of this Act, the following conditions shall be imposed so long as such holding is subject to any charge in respect of an annuity in favor of the land commission; that is to say,

(a.) The holding shall not be subdivided or let by such proprietor without the consent of the land commission until the whole charge due to the land commission has been repaid:

(b.) Where the proprietor subdivides or lets any holding or

part of a holding in contravention of the foregoing provisions of this section, the land commission may cause the holding to be sold :

(c.) Where the title to the holding is divested from the proprietor by bankruptcy, the land commission may cause the holding to be sold :

(d.) Where, on the decease of the proprietor, the holding would by reason of any devise, bequest, intestacy, or otherwise, become sub-divided the land commission may require the holding to be sold within twelve months after the death of the proprietor to some one person, and if default is made in selling the same, the land commission may cause the same to be sold.

(2.) The land commission may cause any holding which under this section they can cause to be sold, or any part of such holding, to be sold by public auction or private contract, and subject to any conditions of sale they may think expedient, and after such notice of the time, place, terms, and conditions of such sale, as they think just and expedient ; and the land commission may convey such holding to the purchaser in like manner in all respects as if the holding had been vested in the land commission.

(3.) The land commission shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due to them in respect of the holding, and in redemption on the terms specified in section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, of any annuity charged on the said holding, in favor of the commission, or of so much thereof as remains unpaid, and of all expenses incurred by the land commission in relation to such sale or otherwise with respect to the holding, and shall pay the balance to the persons appearing to the land commission to be for the time being entitled to receive the same.

Provided, that in respect of any holding which is subject to any charge in respect of an annuity in favor of the Board of Works, created in pursuance of the Landlord and Tenant (Ireland) Act, 1870, the said Board may, if they shall see fit, at any time during the continuance of such charge, upon the application of the person for the time being liable to pay the same, declare such holding to be subject to the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favor of the land commission ; and thenceforth so much of the

forty-fourth and forty-fifth sections of the said Landlord and Tenant (Ireland) Act, 1870, as prohibits, without the consent of the Board, the alienation, assignment, sub-division, or sub-letting of a holding charged as in the said section mentioned, and declares that in the event of such prohibition being contravened the holding shall be forfeited to the Board, and also so much of section two of the Landlord and Tenant (Ireland) Act, 1872, as relates to the sale of holdings in lieu of forfeiture, shall, as to the holding in respect of which such a declaration has been made, be repealed, and the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favor of the land commission shall apply to the holding in respect whereof the said declaration has been made in the same manner as if the said conditions had been made applicable to the said last-mentioned holding by the said Acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy-two, and the said Board had thereby been authorized to enforce the said conditions.

*Reclamation of Land and Emigration.*

XXXI. (1.) The Treasury may authorize the Board of Works to advance from time to time out of any moneys in their hands to companies, if they are satisfied with the security, such sums as the Treasury think expedient for the purpose of the reclamation or improvement of waste or uncultivated land, or foreshores, drainage of land, or for building of laborers' dwellings, or any other works of agricultural improvement.

(2.) The Treasury may authorize the Board of Works to make advances for like purposes to an occupier of land, when satisfied that the tenancy or other security which he may have to offer is such as to insure repayment of principal and interest within such number of years as the Treasury may fix, or when the landlord joins the occupier in giving such security.

Any advance to an occupier under this sub-section shall be subject to the provisions of the Landed Property Improvement (Ireland) Acts, so far as the Treasury may declare the same to be applicable, and shall have priority over all charges and incumbrances whatever upon the tenancy of such occupier, except rent, unless the landlord is a party to the advance, and agrees to postpone the rent to it; but before such advance is made one month's

previous notice thereof shall be given in a newspaper circulating in the district within which the said holding is situated, and in such other manner as the Board of Works may prescribe; and such advance shall not have priority over any charge or incumbrance of which the Board of Works may have had notice in writing given them before making the advance.

(3.) The Board of Works shall not make to any company in pursuance of this section any advances exceeding in the whole the sums which such company may, within such period as may be determined by the Board of Works, have advanced or expended out of their own moneys for some one of the purposes of this section, nor any advances without proper security that those advances shall be expended for such purposes as aforesaid in addition to the sums advanced or expended by the company out of their own moneys.

(4.) Advances made by the Board of Works to a company in pursuance of this section shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the sixteenth day of August, one thousand eight hundred and seventy-nine, with reference to loans to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section, and save as regards such periods and rate of interest the enactments relating to loans made by the Board of Works for the like purposes to those above in this section mentioned shall, so far as is consistent with this section, apply in like manner as if an advance under this section were a loan made in pursuance of those enactments.

XXXII. The land commission may from time to time, with the concurrence of the Treasury, and on being satisfied that a sufficient number of people in any district desire to emigrate, enter into agreements with any person or persons having authority to contract on behalf of any state or colony or public body or public company with whose constitution and security the land commission may be satisfied, for the advance by the commission by way of loan, out of the moneys in their hands, of such sums as the commission may think it desirable to expend in assisting emigration especially of families and from the poorer and more thickly populated districts of Ireland. Such agreements shall contain such provisions relative to the mode of the

application of the loans and the securing and repayment thereof to the commission, and for securing the satisfactory shipment, transport, and reception of the emigrants, and for other purposes, as the commission with the concurrence of the Treasury approve. Such loans shall be made repayable within the periods and at the rate of interest within and at which advances by the Board of Works for the purpose of the reclamation or improvement of land are directed by this Act to be made repayable: Provided always, that there shall not be expended by virtue of the authority hereby given a greater sum than two hundred thousand pounds in all, nor a greater sum than one-third part thereof in any single year.

*Supplemental Provisions.*

XXXIII. The Treasury may from time to time, as they think fit, issue the sums required for advances or purchases of estates by the land commission under this part of this Act not exceeding the sums annually granted by Parliament for the purpose; and sections twelve, thirteen, fourteen, and fifteen of the Public Works Loans (Ireland) Act, 1877, shall apply in like manner as if they were herein enacted, with the substitution of the "Land Commission" for "the Commissioners of Public Works," and as if the said sums required by the land commission were the loans in the said sections mentioned.

XXXIV. (1.) The land commission before buying any estate shall reasonably satisfy themselves that a resale can be effected without loss.

(2.) The land commission on purchasing any estate shall certify to the Treasury that they are satisfied with the matters of which they are by this section, or by any other provision of this part of this Act, required to be satisfied before such purchase, and such certificate shall be conclusive evidence to any purchaser that they were so satisfied and that the purchase was made in accordance with this Act.

(3.) An advance made by the land commission to a purchaser of a holding or of any parcel of land, in respect of any one purchase by him under this Act whether from the landlord or from the land commission, shall not exceed three thousand pounds, unless the commission report to the Treasury that by reason of special circumstances they deem it expedient to make an ad-



vance not exceeding five thousand pounds, in which case they may make such advance with the approval of the Treasury,

(4.) The land commission shall, from time to time, by sale by auction, or in such other manner as may be allowed by the Treasury, dispose of all fee farm rents for the time being vested in them.

(5.) The land commission shall in purchasing estates, in making advances, in dealing with the funds that come into their possession, and in accounting for the same, and generally in the performance of their duties under this part of this Act, conform to any directions, whether given on special occasions or by general rule or otherwise, which may from time to time be given them by the Treasury, and shall from time to time report as the Treasury may direct all matters which may be transacted by the land commission.

(6.) All sums received by the commission as repayments of any advance, and all sums received by the commission for fees, percentages, rents, or otherwise shall, except so far as they may be applied under directions from the Treasury in payment of expenses, be paid into the Exchequer.

XXXV. All powers exercisable by the Board of Works under the Landlord and Tenant (Ireland) Act, 1870, and the Landlord and Tenant (Ireland) Act, 1872, in relation to the purchase by tenants of their holdings shall, after the passing of this Act, and subject to the provisions of this Act, be transferred to and may be exercised by the land commission, and the said Acts, and any enactments amending the same so far as they relate to the matter aforesaid shall be construed as if the land commission were substituted for the Board: Provided that this section shall not affect or interfere with any of the powers of the Board of Works in relation to any transactions which are completed before the passing of this Act, or which the Board declare are being carried into effect at the passing of this Act.

XXXVI. In fixing the purchase moneys, fines, rents, fees, percentages, and other sums to be charged or made payable to the land commission in respect of transactions under this part of this Act care should be taken to fix the same in such manner as to make the amount resulting therefrom, as nearly as can be estimated, not less than the amount required to defray the expenses.

## PART VI.

## COURT AND LAND COMMISSION.

*Description of Court and Proceedings.*

XXXVII. (1.) The expression "The Court" as used in this Act shall mean the civil bill court of the county where the matter requiring the cognizance of the court arises.

(2.) Where a matter requiring the cognizance of the court arises in respect of a holding situate within the jurisdiction of more than one civil bill court, any civil bill court within the jurisdiction of which any part of the holding is situated may take cognizance of the matter.

(3.) Any proceedings which might be instituted before the civil bill court may, at the election of the person taking such proceedings, be instituted before the land commission, and thereupon the land commission shall, as respects such proceedings, be deemed to be the court.

(4.) Where proceedings have been commenced in the civil bill court any party thereto may, within the prescribed period, apply to the land commission to transfer such proceedings from the civil bill court to the land commission; and thereupon the land commission may order the same to be transferred accordingly.

(5.) The court shall have jurisdiction in respect of all disputes between landlords and tenants arising under this Act.

(6.) In determining any question relating to a holding, the court may direct any independent valuer to report to the court his opinion on any matter the court may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the court to form a judgment as to the subject matter of such report. The court may, or may not, as it thinks fit, adopt the report of such valuer, and it may make such order with respect to the costs incurred in respect of such report as it thinks just.

XXXVIII. There shall be incorporated with this Act the following provisions of the Landlord and Tenant (Ireland) Act, 1870, as if the purposes therein referred to included the purposes of this Act; that is to say,

(1.) Section twenty-three, relating to the powers of the judge of

- the civil bill court ; and section twenty-five, relating to the court of arbitration ;
- (2.) Section forty, relating to the apportionment of rents, and in that section rents shall include any rents payable to the Crown ;
- (3.) Section fifty nine, relating to administration on death of tenant ;
- (4.) Section sixty, containing provisions as to married women ;
- (5.) Section sixty-one, containing provisions as to other persons under disability ;
- (6.) Section sixty-two, relating to additional sittings of civil bill court ;
- (7.) Section sixty-four, relating to power to appoint a substitute in civil bill court if judge cannot attend.

XXXIX. There shall be paid, out of moneys to be provided by Parliament, to clerks of the peace appointed to their office before the fourteenth day of August, one thousand eight hundred and seventy-seven, and who have not accepted any permanent office under the County Offices and Courts (Ireland) Act, 1877, and also to clerks of the Crown and peace who, under the provisions of the sixteenth section of the said Act have elected to continue to practice as solicitors, such annual sums, by way of remuneration for any additional duties imposed on them by this Act, as the Lord Lieutenant, with the consent of the Treasury, may direct.

Notwithstanding the conditions imposed by any other Act upon the grant of a pension to a county court judge, it shall be lawful for the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, at any time before the first day of January one thousand eight hundred and eighty-four, to grant to any county court judge now entitled to practise at the bar who shall show to the satisfaction of the Lord Lieutenant and the Treasury that the discharge of the additional duties imposed on him by this Act would deprive him of professional emoluments which, if this Act had not been passed, he would have received, such retiring pension, not exceeding two-thirds of his salary, as having regard to the circumstances of each case, shall appear to the Lord Lieutenant and the Treasury to be reasonable.

*Arbitration.*

XL. Any matter capable of being determined by the court under this Act, may, if the parties so agree, be decided by arbitration, and an arbitration shall be conducted by the court of arbitration in manner provided by the Landlord and Tenant (Ireland) Act, 1870, and where the amount of rent is decided by arbitration, such rent shall, for the purposes of this Act, be deemed to be the judicial rent.

*Appointment and Proceedings of Land Commission.*

XLI. A land commission shall be constituted under this Act consisting of a judicial commissioner and two other commissioners.

The judicial commissioner, and every successor in his office, shall be a person who at the date of his appointment is a practicing barrister at the Irish bar of not less than ten years standing.

The judicial commissioner for the time being shall forthwith on his appointment become an additional judge of the Supreme Court of Judicature in Ireland with the same rank, salary, tenure of office, and right to retiring pension as if he had been appointed a puisne judge of one of the common law divisions of the High Court of Justice.

He may be required by order of the Lord Lieutenant in Council to perform any duties which a judge of the said Supreme Court of Judicature is by law required to perform; but, unless so required, he shall not be bound to perform any of such duties.

The first judicial commissioner shall be Mr. Serjeant O'Hagan.

If any vacancy occurs in the office of the judicial commissioner by death, resignation, incapacity, or otherwise, her Majesty may, by warrant under the Royal Sign Manual, appoint some other qualified person to fill the vacancy.

The two commissioners, other than the judicial commissioner, shall respectively hold their offices for seven years next succeeding the passing of this Act.

If during the said period of seven years a vacancy occurs in the office of any of such other commissioners by death, resignation, incapacity, or otherwise, Her Majesty may by warrant under the Royal Sign Manual appoint some other fit person to

fill such vacancy, but the person so appointed shall hold his office only until the expiration of the said seven years.

The first commissioners, other than the judicial commissioner, shall be Mr. Edward Falconer Litton and Mr. John E. Vernon.

XLII. The land commission under this Act shall be a body corporate, with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The Irish Land Commission."

Judicial notice shall be taken by all courts of justice of the corporate seal of the land commission, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

XLIII. The Lord Lieutenant may from time to time, with the consent of the Treasury as to number, appoint and by Order in Council remove assistant commissioners, who shall have the prescribed qualifications and hold office for the prescribed times.

The central office of the land commission shall be in Dublin, but they may hold sittings in any other part of Ireland.

The land commission may form sub-commissions in any province, particular district or districts of Ireland, and such sub-commissions shall consist of such number of the said assistant commissioners or of a commissioner and one or more assistant commissioners as the land commission may think fit, and the land commission may delegate to any sub-commission such of the powers, except as to appeals, by this Act conferred upon the land commission, as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub-commission.

XLIV. Any power or act by this Act vested in or authorized to be done by the land commission, except the power of hearing appeals, may be exercised or done by any one member of the land commission or by any sub-commission, with this qualification, that any person aggrieved by any order of one commissioner, or by any order of a sub-commission, may require his case to be reheard by all three commissioners sitting together, except in the case of the illness or unavoidable absence of any one commissioner, when any such case may be heard by two commissioners sitting together; provided that neither of such two commissioners be the commissioner before whom the case was originally heard.

XLV. The land commission may from time to time, with the consent of the Lord Lieutenant, appoint and remove a solicitor and a secretary, and such officers, agents, clerks, and messengers as they, with the consent of the Treasury, and subject to such regulations as the Treasury may from time to time prescribe, deem necessary for the purposes of this Act.

They may also, with the consent of the Treasury, employ such actuaries, surveyors, and other persons as they may think fit for the purpose of enabling the land commission to carry into effect any of the provisions of this Act.

XLVI. There shall be paid to each of the commissioners, other than the judicial commissioner, a salary not exceeding three thousand pounds a year, and to the assistant commissioners, secretary, officers, and other persons above mentioned such salaries or remuneration as the Lord Lieutenant may, with the consent of the Treasury, determine.

The salaries of the commissioners, other than the Judicial Commissioner, and of the assistant commissioners, and of all persons employed by the land commission, and all expenses incurred by the land commission in carrying into effect this Act, not otherwise provided for, shall be paid out of moneys provided by Parliament.

XLVII. Any person aggrieved by the decision of any civil bill court with respect to the determination of any matter under this Act or under the Landlord and Tenant (Ireland) Act, 1870, may appeal to the land commission, and such commission may confirm, modify, or reverse the decision of the civil bill court. All appeals to the land commission under this Act shall be heard by all three commissioners sitting together, except in the case of illness or unavoidable absence of any one commissioner, when any appeal may be heard by two commissioners sitting together, one of whom shall be the Judicial Commissioner.

The land commission may determine any appeal in Dublin, or may proceed to any place or places in Ireland for the purpose of from time to time determining the same.

The twenty-fourth section of the Landlord and Tenant (Ireland) Act, 1870, is hereby repealed. All appeals under the said section pending at the time of the passing of this Act are hereby transferred to the land commission; and all further proceedings thereon shall be taken in the prescribed manner.

XLVIII. (1.) For the purposes of this Act the land commission shall have full power and jurisdiction to hear and determine all matters, whether of law or fact, and shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any other court.

(2.) The land commission may of its own motion, or shall on the application of any party to any proceeding pending before it, unless it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

The land commission may also, in case it thinks fit, permit any party aggrieved by the decision of the land commission in any proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland; provided that no appeal from the land commission to the Court of Appeal in Ireland shall be permitted in respect of any matter arising under Part V. of this Act, or in respect of any decision as to the amount of fair rent, or any question of value or of damages, or any matter left in the discretion of the land commission.

The decision of the said Court of Appeal on any such question so referred to it shall be final and conclusive.

(3.) The land commission with respect to the following matters; that is to say,

(a.) Enforcing the attendance of witnesses, (after a tender of their expenses,) the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents; and

(b.) Issuing any commission for the examination of witnesses; and

(c.) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the land commission or any of them sitting in open court; and

(d.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act;

shall have all such powers, rights, and privileges as are vested

in the Chancery Division of the High Court of Justice in Ireland for such or the like purposes, and all proceedings before the land commission shall in law be deemed to be judicial proceedings before a court of record.

(4.) In determining any question relating to a holding the commission may direct an independent valuer to report to it his opinion on any matter the commission may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the commission to form a judgment as to the subject matter of such report. The commission may or may not, as it thinks fit, adopt the report of such valuer, and it may make any such order with respect to the costs incurred in respect of such report as it thinks just.

(5.) The land commission may review or rescind or vary any order or decision previously made by them, or any of them ; but save as by this Act provided every order or decision of the said commission shall be final : Provided always, that any order or decision made by three members of the land commission shall not be reviewed, rescinded, or varied, except by three members of the land commission.

Nothing in this section shall authorize the land commission to determine any question or to exercise any power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the land commission.

XLIX. Where the land commission or any sub-commission hold sittings elsewhere than in Dublin, such land commission or sub-commissions may use the court-houses commonly used for civil bill purposes or for the holding of courts of petty sessions, and the officers of the civil bill courts shall, in the prescribed manner and at the prescribed times, be bound to attend the sittings of the said land commission and sub-commissions, and to perform analogous duties to those which they perform in the case of a sitting of the civil bill court.

L. (1.) The land commission shall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them :



- (a.) The proceedings on the occasions of sales under this Act :
- (b.) The proceedings on the occasion of applications to fix judicial rents under this Act, and the withdrawal of such applications :
- (c.) The proceedings in the civil bill court under this Act :
- (d.) The consolidation of cases and the joinder of parties :
- (e.) The security (if any) to be given by applicants to, or persons dealing with, the commission :
- (f.) The proceedings in appeals under this Act :
- (g.) The proceedings in respect of cases stated for the decision of Her Majesty's Court of Appeal in Ireland under this Act :
- (h.) The proceedings on the occasion of applications for transfer of cases from the Civil Bill Court to the land commission under this Act :
- (i.) The qualifications and tenure of office of assistant commissioners :
- (j.) The forms to be used for the purposes of this Act :
- (k.) The scale of costs and fees to be charged in carrying this Act into execution, and the taxation of such costs and fees, and the persons by or from whom and the manner in which such costs and charges are to be paid or deducted, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged :
- (l.) The attendance and discharge of duties by the officers of the civil bill courts before the land commission and sub-commissions when holding sittings under this Act :
- (m.) The mode in which consents on the part of the land commission or of any landlord, tenant, or other person may be signified under this Act :
- (n.) The service of notices on mortgagees and persons interested, and any other matter by this Act, or any part of any Act incorporated therewith, directed to be prescribed.
- (o.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the land commission expedient to make rules for the purpose of carrying this Act or any part of any Act incorporated herewith into effect.

(2.) Any rules made in pursuance of this section shall be judicially noticed in all courts of her Majesty's dominions.

(3.) Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament; and if an Address is presented to Her Majesty by either House of Parliament within the next subsequent one hundred days on which the said House shall have sat praying that any such rule may be annulled, her Majesty may thereupon by Order in Council annul the same, and the rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(4.) The Public Offices Fees Act, 1879, shall apply to fees payable under this Act.

LI. The making of rules and orders prescribing and regulating the mode of service of civil bill processes in ejectments, and for recovery of rent, is hereby declared to be within the provisions of the seventy-ninth section of the County Officers and Courts (Ireland) Act, 1877; and, notwithstanding any other enactment, the service of such processes in the manner prescribed by such rules or orders shall be valid and sufficient.

Whenever an action for the recovery of rent not exceeding twenty pounds or for the recovery of land, whether for non-payment of rent or for overholding, is brought in the High Court of Justice in Ireland, in any case in which the plaintiff in such action could have sued for the recovery of such rent or land in a civil bill court, the plaintiff in such action shall not be entitled to any costs, unless the judge before whom such action is tried, or the divisional court to which such action is attached, shall by order declare the said plaintiff entitled to costs.

LII. Subject to rules made under this Act, it shall be lawful for the party to any proceeding before the land commission or any sub-commission, or with the leave of such commission or sub-commission, for the father or husband of such party or for a solicitor of the Supreme Court of Judicature in Ireland (but not a solicitor retained as an advocate by such first-mentioned solicitor), or for a barrister retained by or on behalf of

such party and instructed by his or her solicitor, but without any right of exclusive audience or pre-audience, to appear and address such commission or sub commission and conduct the case subject to such rules and regulations as may be from time to time prescribed.

LIII. No person being a member of the land commission other than the judicial commissioner, or being an assistant commissioner or employed by the land commission, shall by reason of such membership or employment acquire any right to compensation, superannuation, or other allowance on abolition of office or otherwise.

LIV. No person being a member of, or holding office under, the land commission, or being an assistant commissioner, shall, during the time that he holds his office, be capable of being elected a member of or sitting in the Commons House of Parliament.

LV. The land commission shall once in every year after the year one thousand eight hundred and eighty-one make a report to the Lord Lieutenant as to their proceedings under this Act, and every such report shall be presented to Parliament

LVI. The land commission shall from time to time prepare in such form and at such times as the Treasury from time to time direct accounts of their receipts and expenditure, and within six months after the expiration of the year to which the accounts relate the land commission shall transmit the same to the Controller and Auditor General to be audited, certified, and reported upon in conformity with the regulations from time to time made by the Treasury for that purpose, and the accounts, with the reports of the Controller and Auditor General thereon, shall be laid before the House of Commons not later than three months after the date on which they were transmitted for audit if Parliament be then sitting, and if not sitting, within fourteen days after Parliament next assembles.

Provided, that the regulations made by the Treasury under this section shall be laid before the House of Commons within one month of the date thereof, if Parliament be then sitting, and, if not, then within fourteen days after Parliament next assembles, and that such regulations shall not have effect until they have lain for thirty days upon the Table of the House.

## PART VII.

## DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

LVII. In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto ; that is to say,

“ Lord Lieutenant ” includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being :

“ Treasury ” means the Commissioners of Her Majesty's Treasury :

“ Board of Works ” means the Commissioners of Public Works in Ireland :

“ County ” includes a riding of a county :

“ Contract of tenancy ” means a letting or agreement for the letting of land for a term of years or for lives, or for lives and years, or from year to year :

“ Tenant ” means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant :

Where the tenant sub-lets part of his holding with the consent of his landlord he shall, notwithstanding such sub-letting, be deemed for the purposes of this Act to be still in occupation of the holding.

“ Landlord ” means the immediate landlord or the person for the time being entitled to receive the rents and profits or take possession of the land held by his tenant, and includes the successors in title to a landlord :

“ Holding ” during the continuance of a tenancy means a parcel of land held by a tenant of a landlord for the same term and under the same contract of tenancy, and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy :

“ Tenancy ” means the interest in a holding of a tenant and his successors in title during the continuance of a tenancy ; and “ rent of a tenancy ” means the rent for the time being payable by such tenant or some one or more of his successors :

“ Present tenancy ” means a tenancy subsisting at the time of the passing of this Act or created before the first day of January one thousand eight hundred and eighty-three in a

holding in which a tenancy was subsisting at the time of the passing of this Act, and every tenancy to which this Act applies shall be deemed to be a present tenancy until the contrary is proved :

“ Future tenancy ” means, except as aforesaid, a tenancy beginning after the passing of this Act.

“ Ordinary tenancy ” means a tenancy to which this Act applies, and which is not a tenancy subject to statutory conditions, or a judicial lease, or a fixed tenancy :

“ Sale,” “ sell,” and cognate words, include alienation, and alienate, with or without valuable consideration :

“ Ejectment ” includes action for recovery of land :

“ An estate ” means any lands which the land commission may by order declare fit to be purchased as a separate estate for the purposes of this Act.

“ Prescribed ” means prescribed by rules made in pursuance of this Act :

“ Landed Property Improvement (Ireland) Acts ” means the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, intituled “ An Act ” to facilitate the improvement of landed property in Ireland,” and any Acts amending or extending the same.

Any words or expressions in this Act which are not hereby defined, and are defined in the Landlord and Tenant (Ireland) Act, 1870, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the last-mentioned Act, and the Landlord and Tenant (Ireland) Act, 1870, except in so far as the same is expressly altered or varied by this Act or is inconsistent therewith, and this Act shall be construed together as one Act.

LVIII. This Act, with the exception of so much thereof as amends the Landlord and Tenant (Ireland) Act 1870, in respect of compensation for improvements, and with the exception of Part Five of this Act, shall not apply to tenancies in—

- (1.) Any holding which is not agricultural or pastoral in its character or, partly agricultural and partly pastoral ; or
- (2.) Any demesne land, or any land being or forming part of a home farm or any holding ordinarily termed “ town-parks ” adjoining or near to any city or town which bears an increased value as accommodation land over and above the

ordinary letting value of land occupied as a farm, and is in the occupation of a person living in such city or town, or the suburbs thereof; or

- (3.) Any holding let to be used wholly or mainly for the purpose of pasture, and valued under the Acts relating to the valuation of property at an annual value of not less than fifty pounds; or
- (4.) Any holding let to be used wholly or mainly for the purposes of pasture, the tenant of which does not actually reside on the same, unless such holding adjoins or is ordinarily used with the holding on which such tenant actually resides; or
- (5.) Any holding which the tenant holds by reason of his being a hired laborer or hired servant; or
- (6.) Any letting in conacre or for the purpose of agistment or for temporary depasturage; or
- (7.) Any holding let to the tenant during his continuance in any office, appointment, or employment, or for the temporary convenience or to meet a temporary necessity either of the landlord or tenant; Provided that any such letting made after the passing of this Act shall be by contract in writing, which shall express the purpose for which such letting is made;
- (8.) Any cottage allotment not exceeding a half of an acre;
- (9.) Any "glebe" as defined by the Act of thirty-eighth and thirty-ninth Victoria, chapter forty-two, which now is, or hereafter shall be held or occupied by any "ecclesiastical persons" as by the same Act defined, and no such ecclesiastical person shall in respect of such glebe be entitled to make any claim for compensation under any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, or of this Act.

LIX. Where it appears to the court, on the joint application of the landlord and tenant of any holding valued under the Acts relating to the valuation of rateable property in Ireland at a sum not exceeding thirty pounds a year—

That the tenant has paid the whole (or such sum as the landlord may be willing to accept as the equivalent of the whole) of the rent payable in respect of the year of the tenancy expiring on the gale day next before the passing of this

Act, and that antecedent arrears are due, the land commission may make, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half of the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with the repayment of the advance to the land commission, by a rent-charge payable half yearly during the fifteen years from the date specified in the order, and calculated at the rate of eight pounds, ten shillings a year for every hundred pounds of the advance.

Whenever in the case of any tenant evicted for nonpayment of rent since the first day of May one thousand eight hundred and eighty, the landlord agrees to re-instate such tenant on the terms in this section set forth, this section shall apply as if the tenant had not been so evicted from his holding.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding except quit-rent and Crown rent and sums payable to the commissioners of Public Works or the Commissioners of Church Temporalities in Ireland, and the landlord for the time being of the holding shall pay to the land commission the sum for the time being due on account of such rent-charge.

Every half-yearly amount of such rent-charge shall be deemed to be an addition to the half-year's rent of the holding (whether a judicial rent or otherwise) due from the tenant to the landlord, and may be recovered by the landlord accordingly.

On the order of the court being made as aforesaid in relation to any holding, all arrears of rent due in respect of that holding on or prior to the gale day next before the passing of this Act shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant during the twelve months immediately preceding the passing of this Act shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for the purposes of this section, to have been paid in respect of the rent due for the then current year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord, the advance made by the land commission under this section shall be rateably distributed by the court amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the twenty-eighth day of February one thousand eight hundred and eighty-two.

The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from the land commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act or the Landlord and Tenant (Ireland) Act, 1870, in relation to the holding.

The land commission may make advances for the purpose of this section out of any moneys for the time being in their hands for the purposes of this Act.

The land commission shall at such time after the expiration of each period of twelve months as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rent charges payable to them under this section as they have failed to recover at the expiration of the said period (in this section referred to as payments in arrear), and the Commissioners of Church Temporalities in Ireland shall, out of any moneys at their disposal, pay to the land commission any sums appearing from such account to be due to the land commission. Any such payment by the Commissioners of Church Temporalities in Ireland shall not discharge any person indebted to the land commission in respect of any payments in arrear, and it shall be the duty of the land commission to take any proceedings they may be advised for the recovery of payments in arrear, and to repay to the commissioners of Church Temporalities in Ireland any sums so recovered.

LX Any application which a tenant is authorized by this Act to make to the court shall, if made to the court on the first occasion on which it sits after the passing of this Act, have the same operation as if it had been made on the day on which this Act comes into force; and any order made upon such application shall be of the same effect as if it had been made on the day on which this Act comes into force, unless the court otherwise directs; and the person by whom such application is made shall, if the court thinks just, be in the same position and have the same rights in respect of his tenancy as he would have been in and would have had if the applications had been made on the day on which this Act comes into force.



LXI. This Act shall not apply to England or Scotland.

LXII. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1881.

An Act to amend and extend the provisions of the Land Law (Ireland) Act, 1881, relating to Laborers' Cottages and Allotments.—*18th August, 1882.*

Whereas it is expedient to amend, and extend the provisions relating to Laborers' Cottages and Allotments of the Land Law (Ireland) Act, 1881:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited for all purposes as the Laborers' Cottages and Allotments (Ireland) Act, 1882

II. In this Act the expression "the principal Act" means the Land Law (Ireland) Act, 1881, and the several words and expressions to which meanings are assigned by that Act shall have the same respective meanings in this Act unless there be something in the context repugnant thereto.

III. Where under section eight of the principal Act the landlord and tenant of any holding have agreed and declared, or shall agree and declare, by writing under their hands, what is the fair rent of the holding, and such agreement and declaration has been or shall be filed in court, the Land Commission may at any time within six months from the passing of this Act, or within twelve months from the date of filing such declaration and agreement, whichever shall last happen, order the tenant of such holding for the accommodation of the laborers employed thereon to improve any existing cottage or cottages, or build any new cottage or cottages, or assign to any such cottage an allotment not exceeding half an acre, and may by such order fix the terms as to rent and otherwise on which such accommodation is to be provided, and any such order may be made on the application of the landlord, or of the tenant of the holding, or of any laborer bona fide employed and required for the cultivation thereof.

IV. Where an order shall be made under this Act, or has been made or is made under section nineteen of the principal Act for providing accommodation for the laborers employed on any holding, and such order has not been complied with within six

months from the date of such order, or six months from the passing of this Act, whichever shall last happen, the person failing to comply with such order shall be liable thenceforth to a penalty of one pound for every week during which such order is not complied with, and such penalty shall be recoverable in a summary manner before two or more justices in petty sessions in manner provided by the petty Sessions (Ireland) Act, 1851, upon the complaint of any laborer employed on the holding, and in whose favor such order has been or shall have been made, and the justices shall award such penalty to the guardians of the poor of the union within which the holding is situate to be applied in aid of the poor rate of such union.

V. Any person who has incurred any penalty under the provisions of this Act may apply to the Land Commission for relief from the same, and the Land Commission may relieve him from the whole or part of such penalty on such terms as to compliance with the order and as to costs or otherwise as the Land Commission thinks fit, and such relief may be granted notwithstanding that an order has been made at petty session for the payment of the penalty.

VI. This Act and the principal Act shall be read together and construed as one Act.

## APPENDIX L.

### PREVENTION OF CRIME (IRELAND) ACT, 1882.

[45 & 46 Vict. Ch. 257.]

#### ARRANGEMENT OF SECTIONS.

##### PART I.

##### SPECIAL COMMISSION.

###### Section.

1. Special Commission Court.
2. Appeal from Special Commission Court to Court of Criminal Appeal.
3. Constitution of Court of Criminal Appeal.

##### PART II.

##### SPECIAL JURORS AND VENUE.

4. Special jurors in criminal cases.
5. Penalty for non-attendance of special juror.
6. Change of venue.

## PART III.

## OFFENCES AGAINST THIS ACT.

7. Intimidation.
8. Riots and other offences.
9. Unlawful associations.
10. Illegal meetings.
11. Arrest of persons found at night under suspicious circumstances.

## PART IV.

## GENERAL POWERS.

12. Arrest of strangers found under suspicious circumstances.
13. Newspapers.
14. Searches for arms and illegal documents.
15. Application of Alien Act to aliens.
16. Powers of justices to summon witnesses.
17. Power of apprehending absconding witnesses.
18. Additional constabulary force.
19. Power of Lord Lieutenant as to compensation to be paid in certain cases of murder or maiming.
20. Description of "district" and provision as to raising charge.

## PART V.

## SUPPLEMENTAL PROVISIONS AND DEFINITIONS.

21. Punishment for offences against Act.
22. Summary procedure for offences under Act.
23. Proclamation of districts.
24. Supplemental provisions as to proclamations and orders.
25. Regulation as to warrants and notice of trial.
26. Rota of judges.
27. Regulations as to courts.
28. Rules for procedure in Schedule.
29. Allowances to judges, witnesses, and others.
30. Rules of procedure and matters to be prescribed.
31. Powers of Act to be cumulative.
32. Saving for trade unions.
33. Saving for associations.
34. Definition of "unlawful association."
35. General definitions.

36. Short title.  
 37. Duration of Act.  
 SCHEDULES.

## CHAPTER XXV.

## AN ACT FOR THE PREVENTION OF CRIME IN IRELAND.

[12th July, 1882.]

Whereas by reason of the action of secret societies and combinations for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

## PART I.

## SPECIAL COMMISSION.

I. (1.) The Lord Lieutenant may from time to time direct a commission or commissions to be issued for the appointment of a court or courts of special commissioners for the trial in manner provided by this Act of persons committed for trial for any of the following offences ; that is to say,

- (a.) Treason or treason-felony committed after the passing of this Act ;
- (b.) Murder or manslaughter ;
- (c.) Attempt to murder ;
- (d.) Aggravated crime of violence against the person ;
- (e.) Arson, whether by common law or by statute ;
- (f.) Attack on dwelling-house ;

and whenever it appears to the Lord Lieutenant that in the case of any person committed for trial for any of the said offences a just and impartial trial cannot be had according to the ordinary course of law, the Lord Lieutenant may by warrant assign to any such court of Special Commissioners (in this Act referred to as a Special Commission court) the duty of sitting at the place named in the warrant and of there, without a jury, hearing and determining, according to law, the charge made

against the person so committed for trial and named in the warrant, and of doing therein what to justice appertains.

(2.) A Special Commission court shall consist of three judges of the Supreme Court of Judicature in Ireland (other than the Lord Chancellor), to be named in such commission, and they shall try in open court, according to the tenor of a warrant under this Act, all persons named in the warrant who may be brought before them for trial.

(3.) The evidence taken on a trial before a Special Commission court, and the reasons, if any, given by the judges in delivering judgment, shall be taken down by a shorthand writer, who shall be sworn to take the same accurately to the best of his ability.

(4.) A person tried by a Special Commission court shall be acquitted unless the whole court concur in his conviction, and the judges of the said court shall in all cases of conviction give in open court the reasons for such conviction.

(5.) Where a person is tried by a Special Commission court he shall, if acquitted by such court, be entitled to be conveyed free of cost to any place he selects in the county in which he was committed for trial.

(6.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of witnesses, and in the case of poor persons charged with treason, treason felony, or murder, for the payment of counsel required for the defense of a person brought for trial before a Special Commission court, and certified to be so required by such court.

Provided that nothing in this Act shall empower a Special Commission court to try a person for any offense, unless a judge and jury in Ireland would, but for this section, have had jurisdiction to try that person for the said offense.

II. (1.) Any person convicted by a Special Commission court under this Act may, subject to the provisions of this Act, appeal either against the conviction and sentence of the court, or against the sentence alone, to the Court of Criminal Appeal hereinafter mentioned, on any ground, whether of law or of fact; and the Court of Criminal Appeal shall (subject to the provisions of this Act) have power after hearing the appeal to confirm the conviction and sentence, or to enter an acquittal, or to vary the conviction or sentence.

Provided that—

(a.) The conviction shall not be varied save by substituting a conviction for some less offense, for which the Special Commission court had jurisdiction on the trial to convict the appellant; and

(b.) The sentence shall not be increased.

(2.) The conviction or sentence as confirmed or varied by the Court of Criminal Appeal shall have effect as if it were the conviction and sentence of the Special Commission Court, and shall be deemed to be the sentence of a Special Commission Court.

(3.) If the appellant establishes want of jurisdiction in the Special Commission court, the Court of Criminal Appeal may quash the proceedings.

(4.) The Court of Criminal Appeal shall have for the purpose of any appeal all the powers and jurisdiction of the Special Commission court.

III. (1.) The Court of Criminal Appeal under this Act shall consist of the judges of the Supreme Court of Judicature in Ireland (with the exception of the Lord Chancellor), and any of those judges not less than five may sit and exercise the powers of the court.

Provided that a judge who sat in the Special Commission court shall not sit in the Court of Criminal Appeal on any appeal against a conviction or sentence by that Special Commission court to which he was a party.

(3.) The determination of any appeal shall be according to the determination of a majority of the judges who heard the appeal.

## PART II.

### SPECIAL JURORS AND VENUE.

IV. (1.) Where the trial of a person charged with an indictable offence would otherwise have been had by a jury before some court not being a court of general or quarter sessions, the Attorney General for Ireland, or the person charged, may, on serving the prescribed notice in the prescribed manner, require that the jury shall consist entirely of special jurors, and the jury shall consist of special jurors accordingly. Where more persons than one are to be tried together on the same charge, and no-

tice for special jurors has not been served by the Attorney General, but has been served by some and not all of such persons, the jury shall consist entirely of special jurors or not, as the court may direct :

Provided that a trial shall not be impeached on any ground connected with the qualification of the jurors or any of them.

(2.) The special jurors shall be taken by ballot in manner provided by the nineteenth section of the Juries Procedure (Ireland) Act, 1876, from all the jurors on the panel returned by the sheriff from the special jurors' book.

(3.) A county mentioned in the first column of the Second Schedule to this Act, and a county of a city or town set opposite the name of that county in the second column of the said schedule, shall as respects special jurors be deemed to be contributory counties ; and the special jurors of each of two contributory counties shall be lawful jurors for the trial of any person who is to be tried by special jurors in either of such contributory counties ; and, whenever a trial requiring special jurors under this Act is about to take place in one of two contributory counties, steps shall be duly taken by the sheriff of each of the said counties for returning to the proper officer of the court in which such trial is held the panel of the special jurors of his county and the special jury for such trial shall be taken by ballot accordingly from all the jurors upon such two panels indifferently ; and the sheriff of each of the said contributory counties shall deliver to the proper officer of the court the cards for such ballot, and the ballot shall be taken in manner provided by the said nineteenth section of the Juries Procedure (Ireland) Act, 1876.

The expression " sheriff " in this section includes any officer who by law performs the duties of sheriff in relation to the return of jurors.

V. The words " twenty pounds " shall be substituted for the words " forty shillings " in section four of the Juries Procedure (Ireland) Act, 1876, in the case of special jurors.

VI. (1.) The Attorney-General, on making application to the High Court of Justice or a judge thereof, and certifying that in his opinion it is expedient in the interests of justice that a person awaiting his trial for an indictable offence should be tried in some county named in the certificate other than the county

in which he would otherwise be tried, shall be entitled as of right to an order directing such person to be tried in the county named in the certificate ; and, if such order is made before any indictment or inquisition has been found, the said offence may be inquired of in the county named in the order in like manner in all respects as if it had been committed in that county ; and if the order is made after an indictment or inquisition has been found, the indictment or inquisition shall be transmitted to the court of assize for the county named in the order, and have effect as if it had been originally found at or returned to that court : and, in either case, the offence may be heard and determined, and the person charged with the said offence may be convicted and sentenced, as if the offence had been committed in the county named in the order, but the sentence of the court shall be carried into effect as if such person had been tried in the county in which he would have been tried if the said order had not been made, and such person shall, if necessary, be removed accordingly, in pursuance of an order of the court made for the purpose.

(2.) The Lord Lieutenant shall from time to time provide for the payment, if an order is made under this section respecting the trial of any person, of the reasonable expenses of such person coming to the place at which, in pursuance of such order, he is to be tried in any case where he was admitted to bail, and also of the witnesses required for the defense of such person, and certified by the court before whom he is tried to be so required.

(3.) Where an order is made under this Act directing a change of venue, the prescribed Crown solicitor, or other prescribed officer under the direction of the Attorney General, shall provide, where necessary, for advancing money for enabling the person to be tried and the witnesses required for the defense of such person to attend the trial.

(4.) For the purposes of this section the expression "awaiting his trial" means committed for trial or charged with any indictable offence by indictment or inquisition ; and "court of assize" includes any court of oyer and terminer or gaol delivery.



## PART III.

## OFFENCES AGAINST THIS ACT.

## VII. Every person who—

Wrongfully and without legal authority uses intimidation, or incites any other person to use intimidation,

- (a.) to or towards any person or persons with a view to cause any person or persons, either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do; or
- (b.) to or towards any person or persons in consequence, either of his or their having done any act which he or they had a legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing, shall be guilty of an offence against this Act.

In this Act the expression "intimidation" includes any word spoken or act done in order to and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living.

## VIII. Every person who in a proclaimed district—

- (a.) Takes part in any riot or unlawful assembly; or
  - (b.) Within nine months after the execution of any writ of possession or decree for possession of any house or land takes or holds forcible possession of such house or land or any part thereof; or
  - (c.) Commits an aggravated act of violence against the person; or
  - (d.) Commits an assault on any constable, bailiff, process server, or other minister of the law, while in the execution of his duty or in consequence thereof,
- shall be guilty of an offence against this Act.

## IX. Every person who knowingly—

- (a.) Is a member of an unlawful association as defined by this Act; or
  - (b.) Takes part in the operations of an unlawful association as defined by this Act, or of any meeting thereof,
- shall be guilty of an offence against this Act.

X. (1.) The Lord Lieutenant may from time to time by order in writing of which public notice shall be given and published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety. A copy of such order shall be forthwith served in the prescribed manner if possible on the promoters of such meeting.

(2.) And, in case such meeting be so prohibited, two or more justices of the peace shall attend at the place where they have reason to believe such meeting is to be held, and one or more of such justices shall in the prescribed form and manner then and there notify aloud, to the persons attending, that such meeting is prohibited by the Lord Lieutenant; and in case any of the persons so met or assembled together shall not disperse forthwith within a reasonable time, each of such persons thereupon shall be guilty of an offense against this Act; so, however, that the term of imprisonment awarded shall not exceed three months.

(3.) A copy of every such order shall be laid before Parliament within fourteen days after the day on which such order was made, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament.

XI. (1.) In a proclaimed district, if a person is out of his place of abode at any time after one hour later than sunset and before sunrise under circumstances giving rise to a reasonable suspicion of a criminal intent, any constable may arrest that person and bring him forthwith before the nearest available justice of the peace, and such justice, after inquiry into the circumstances of the case, may either discharge him or take the necessary steps, by committing him to prison or taking reasonable bail with two sufficient sureties not exceeding fifty pounds each, to bring him as soon as may be, and within a period not exceeding seven days, before a court of summary jurisdiction acting under this Act, and if on such person appearing before a court of summary jurisdiction acting under this Act, and the case being heard, the court believes that such person was out of his place of abode and not upon some lawful occasion or business he shall be guilty of an offense against this Act; so, however, that the term of imprisonment awarded shall not exceed three months.

(2.) Upon the hearing of a charge under this section against a person, that person may, if he thinks fit, be examined as an ordinary witness in the case.

#### PART IV.

##### GENERAL POWERS.

XII. (1.) If a constable finds in a proclaimed district any stranger under circumstances giving rise to a reasonable suspicion of criminal intent, he may arrest such stranger and bring him before a justice of the peace, and if such justice after inquiry into the circumstances of the case by evidence on oath, is satisfied that such stranger has not a lawful object in being in such place the justice may require him to give security by entering into a recognizance with two sufficient sureties to an amount not exceeding fifty pounds for each surety, to keep the peace and to be of good behaviour towards all Her Majesty's subjects during the ensuing six months, and, in default of his giving such security, may commit him to prison unless he gives such security or is discharged in pursuance of this section, so however that he shall not be imprisoned for more than one month.

(2.) The justice shall, on the application of any such person brought before him as aforesaid, adjourn the further hearing of the case to a petty sessions to be held for the petty sessions district within which such arrest took place, not less than four days after the date of such application, and to consist of at least two justices, on such person giving reasonable bail for his appearance at such petty sessions. Such court of petty sessions shall deal with the case in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same, in the case of summary proceedings, and shall have the same power to deal with such person as is in this section herein-before conferred on a justice of the peace.

(3.) Upon the inquiry into the circumstances of the case of a person arrested under this section, such person and the husband or wife of such person as the case may be, may, if such person thinks fit, be examined as an ordinary witness in the case.

(4.) The justice or justices committing a person to prison in pursuance of this section may for good cause discharge a person

so committed, and in any case shall forthwith transmit a report of the committal to the Lord Lieutenant stating the grounds of the committal, the security required, and any explanations given by the prisoner by way of defense. The Lord Lieutenant may order the prisoner to be discharged if it seems just to him so to do.

XIII. (1.) Where after the passing of this Act any newspaper wherever printed is circulated or attempted to be circulated in Ireland, and any copy of such newspaper appears to the Lord Lieutenant to contain matter inciting to the commission of treason or of any act of violence or intimidation, the Lord Lieutenant may order that all copies of such newspaper containing that matter shall, when found in Ireland, be forfeited to Her Majesty, and any constable duly authorized by the Lord Lieutenant may seize the same.

(2.) Where it appears to the Lord Lieutenant that such newspaper was printed and published in Ireland the order of the Lord Lieutenant shall indicate the part of the newspaper on account of which the order was made, and if the newspaper specifies the office in Ireland at which the newspaper is printed and published, the order shall, as soon as practicable, be served in the prescribed manner at the office so specified.

(3.) Every order of the Lord Lieutenant under this section shall be published in the *Dublin Gazette*, and shall be laid before Parliament within thirty days if Parliament is then sitting, and, if not, within thirty days after the next sitting of Parliament.

XIV. (1.) It shall be lawful for the Lord Lieutenant from time to time by warrant in the prescribed form to direct the inspectors and sub-inspectors of constabulary for the time being acting in any constabulary district, or any of them, to search for and seize in any proclaimed district, or in any part thereof specified in the warrant, all or any of the following articles; that is to say, any arms, ammunition, papers, documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connection with any secret society or secret association existing for criminal purposes; all such articles when seized shall be forfeited to Her Majesty.

(2.) Any inspector or sub-inspector so authorized by the warrant may, at any time within three months from the date of the

warrant, and at any place within the proclaimed district or the part thereof specified in the warrant, together with such constables and other persons as he calls to his assistance, seize, detain, and carry away any of the articles above mentioned which he may find; and for the purposes aforesaid may at any time enter into any house, building, or place, and if admittance is refused or is not obtained within a reasonable time after it is first demanded, may enter by force in order to execute the warrant.

(3.) The person so executing the warrant shall, if desired, before executing the warrant produce the same.

XV. The Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter twenty, intituled "An Act to authorize for one year and to the end of the then next session of Parliament the removal of aliens from the realm," and a copy of which is set forth in the third schedule to this Act, is hereby re-enacted, and shall continue in force for the same period as this Act.

Provided as follows:—

(1.) For the purposes of construction the Act mentioned in this section shall be deemed to have been passed at the date of the passing of this Act, and expressions in the said Act referring to its commencement or passing shall be construed accordingly, but section seven of the said Act, providing for its durance, shall be of no effect;

(2.) An alien convicted of a misdemeanor under section two of said Act shall be treated as a misdemeanor of the first class or division:

(3.) The place in which any examination of witnesses or hearing of a case before the Lords of the Privy Council, in pursuance of section three of the said Act is held, shall be in open court:

(4.) The said Act shall extend to the Isle of Man in like manner as if that isle were declared by the said Act to form part of Great Britain.

XVI. Where a sworn information has been made that an offence has been committed, any resident magistrate in the county or place in which the offence was committed, although no person may be charged before him with the commission of such offence, may summon to appear before him at a police office or

the place where the petty sessions for the district in which the said offence has been committed are usually held any person within his jurisdiction whom he has reason to believe to be capable of giving material evidence concerning such offence, and he may examine on oath and take deposition of such person concerning any such offence, and, if he see cause, may bind such person by recognizance to appear and give evidence at the next petty sessions, or when called upon within three months from the date of such recognizance; and the law relating to a witness when summoned before a justice having jurisdiction and required to give evidence concerning the matter of an information or complaint shall apply to a witness summoned under this section.

(1.) An offence for the purposes of this section means any felony or misdemeanor, and also any offence against this Act, with the exception of the offences specified in sections ten and eleven of this Act.

(2.) A person summoned to appear under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate himself, but any statement made by any person in answer to any question put to him on any examination under this section shall not, except in case of an indictment or other criminal proceeding for perjury, be admissible in evidence against him in any proceeding civil or criminal.

(3.) A magistrate who conducts the examination, under this section, of a person concerning any offence, shall not, if such offence is punishable on summary conviction, take part in the committing for trial of such person for such offence.

XVII. Whenever any person is bound by recognizance to give evidence before justices, or any criminal court, any justice, if he sees fit, upon information being made in writing, and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person, and if such person is arrested any justice, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognizance to give evidence, unless in the meantime he produces sufficient sureties. Provided that any person so arrested

shall be entitled on demand to receive a copy of the information upon which the warrant for his arrest was issued.

XVIII. (1.) When it appears to the Lord Lieutenant from time to time, that by reason of the existence or apprehension of crime and outrage in any district, the number of constabulary ordinarily employed in such district is not sufficient, he may by proclamation, which shall be published in the "*Dublin Gazette*," declare that for the reasons aforesaid such district requires additional constabulary, and may order additional constabulary to be employed in such district, and for that purpose may from time to time add to the Royal Irish Constabulary such officers and men (if any) as he thinks necessary.

(2.) The Inspector-General of the Royal Irish Constabulary shall from time to time make out, in such manner as the Lord Lieutenant may order, an account of the total cost of any additional constabulary employed in any district under this section, and shall certify the amount to the Lord Lieutenant.

(3.) The whole, or such part of the whole as the Lord Lieutenant may order, of the amount so certified shall be a charge payable by the district in which such additional constabulary are employed. And the Lord Lieutenant may exempt from charge any specified portion of the area declared to be chargeable, or any specified rateable property in such area.

Provided that if the district is in a county where the number of constabulary is, after allowing for vacancies arising from death, absence on leave, absence from illness, or other like cause, deficient as compared with the quota for that county, and additional constabulary are employed, under this section, in the county, a charge under this section shall not be made in respect of such number of the additional constabulary as is equal to the number required for the time being to make up the said deficiency.

There shall be published monthly in the *Dublin Gazette* a return showing the number of additional constabulary employed pursuant to this section, the district or districts in which they are respectively employed, and a statement of the cost or approximate cost to each district resulting from such employment.

XIX. (1.) Where it appears from information on oath and in writing that any one has been murdered, maimed, or otherwise

injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian, or arising out of any unlawful association, and an application is made for compensation, the Lord Lieutenant may, if he thinks fit, after giving public notice in the district in the prescribed manner, by warrant nominate such person or persons being or one of whom shall be a practicing barrister of at least six years standing as he thinks fit to investigate the application, and after hearing all parties whom he or they may deem to be interested, including any body of ratepayers in the district, to report to the Lord Lieutenant thereon; the parties shall be heard personally or by counsel, and the evidence taken on oath in open court.

(2.) For the purpose of such investigation the person or persons so nominated shall, with respect to enforcing the attendance of witnesses, and all other matters, have the same power as justices sitting in petty sessions. Such public notice shall be given of the place and time at which the investigation will be held, and the report to the Lord Lieutenant shall be in the prescribed form and shall be made in such manner as the Lord Lieutenant may direct. The remuneration of such person or persons and the expenses of holding the investigation, to such amount as may be fixed by the Lord Lieutenant, with the approval of Her Majesty's Treasury, shall be defrayed out of moneys to be provided by Parliament.

(3.) Upon such report, the Lord Lieutenant may dismiss the application if he thinks fit, or may award such sum for compensation as he thinks just.

(4.) The said sum shall, if the Lord Lieutenant think just, be a charge payable by such district and in such instalments as the Lord Lieutenant may by warrant order, and shall be paid to the personal representative of the person murdered or to the person maimed or injured, or if he is dead to his personal representative.

(5.) Applications under this Act may be made by the personal representative or one of the next-of-kin of any person murdered, or by any person maimed or injured, or by a Crown solicitor or by any person in that behalf authorized by the Lord Lieutenant.

(6.) This section shall not apply to any cases of murder,



maiming, or injury which have occurred before the first day of June one thousand eight hundred and eighty, except cases in which notice of intention to apply for a presentment under the provisions of the thirty-ninth section of the Peace Preservation (Ireland) Act, 1870, had been published as prescribed by that Act, but the claim for compensation failed to be decided by reason of the expiration of that Act.

(7.) Where the act causing the murder, maiming, or injury has occurred since the passage of this Act, an application for compensation under this section shall not be entertained unless it is made within three months after the occurrence of the act causing the murder, maiming, or injury.

(8.) Where the act causing the murder, maiming, or injury has occurred before the passing of this Act an application for compensation under this section shall not be entertained unless it is made within three months after the passing of this Act.

XX. (1) For the purpose of the provisions of this Act with respect to additional constabulary in any district, and compensation in cases of murder, maiming, or injury, the expression "district" means any county, barony, townland, or parish, or part or parts thereof respectively.

(2.) Any charge in respect of such additional constabulary, or any sum for such compensation as aforesaid, which is for the time being a charge payable by any district shall be apportioned rateably upon all rateable hereditaments in the district other than those exempted by the Lord Lieutenant in pursuance of this Act, and shall be payable by the occupiers thereof:

(3.) Such apportionment shall be made and such charges collected by persons for the time being appointed by warrant of the Lord Lieutenant for that purpose; and every person so appointed collector shall, for the purpose of such collection, have all the powers, authorities, and remedies given by law to the collector of grand jury cess, and shall account for the sums which he is authorized to collect in manner directed from time to time by the Lord Lieutenant, and the Lord Lieutenant's warrant shall be conclusive proof that the sums named in the warrant are to be raised in the district as therein mentioned, and that the person named in the warrant is authorized to collect the same.

(4.) Any person liable to any portion of such charge shall on demand before the execution of the warrant for collection be

entitled to inspect the applotment and the warrant or a copy thereof for the collection of the same.

(5.) A return showing the sums from time to time collected under this section, the districts from which the same have been levied, and the manner in which the same have been disposed of, shall be presented annually to Parliament within one month after the opening of Parliament.

Every warrant imposing a charge upon a district in respect of such additional constabulary, or such compensation as aforesaid, shall specify the time during which it is to remain in force, and shall be in the prescribed form, and shall be published in the prescribed manner, and a copy of every such warrant shall be laid before Parliament within one month after the date of the warrant, if Parliament is then sitting, and if not within one month after the next meeting of Parliament together with a statement showing the following particulars, in cases where such particulars do not appear in the warrant; that is to say, the valuation of the district proposed to be charged; the number of instalments by and the time within which the charge is to be raised; the poundage rate necessary for raising the same; and the grounds upon which the district has been charged, and the number of inhabitants in such district at the last census as far as can be ascertained.

## PART V.

### SUPPLEMENTAL PROVISIONS AND DEFINITIONS.

XXI. A person guilty of an offence against this Act shall be liable on summary conviction to imprisonment with or without hard labor for a term not exceeding six months, or such less term as is in his behalf fixed by any section of this Act.

XXII. (1.) Any offence against this Act shall be punishable on summary conviction, and may be prosecuted—

(a.) Within the police district of Dublin Metropolis in manner provided by the Acts regulating the powers and duties of justices of the peace of such district or of the police of such district; and

(b.) Elsewhere in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same, subject nevertheless to the provisions of this section.

(2.) The proceedings for enforcing the appearance of the per-

son charged, and the attendance of witnesses, shall be the same, and the evidence for both the prosecution and defence shall be taken as depositions in the same manner as if the offence were an indictable offence; but, save as aforesaid, the procedure, including the enforcing of the attendance of witnesses for the defence, shall be the same as in the case of an offence punishable on summary conviction.

(3.) A charge for an offence against this Act shall be heard and determined—

(a.) Within the police district of Dublin Metropolis before a divisional justice of that district; and

(b.) Elsewhere before two resident magistrates in petty sessions, one of whom shall be a person of the sufficiency of whose legal knowledge the Lord Lieutenant shall be satisfied.

And in this Act the expression "court of summary jurisdiction" "acting under this Act" means any such divisional justice or two resident magistrates.

(4.) The petty sessions held by two resident magistrates may be held at any place fixed by law for the holding of petty sessions, and on such days as may be from time to time determined in the prescribed manner.

(5.) Where a person is convicted summarily of an offence against this Act and sentenced to any term of imprisonment exceeding one month, such person may appeal against such conviction to a court of general sessions held in pursuance of this section, but the proceedings before a divisional justice or two resident magistrates, on a charge for an offence against this Act, shall not be reviewed in any other manner, whether by means of a writ of certiorari or otherwise, and such appeal shall, save as hereinafter otherwise provided,—

(a.) Be subject, except in the police district of Dublin Metropolis, to the provisions to which an appeal under the Petty Sessions (Ireland) Act, 1851, is by section twenty-four of that Act, and any enactments amending that section, made subject; and

(b.) Be subject in the police district of Dublin Metropolis to the said provisions, with such modifications therein as may be prescribed for the purpose of adapting the same to the circumstances of that district.

(6.) For the purpose of hearing and determining appeals under this section general sessions of the peace shall be held at the prescribed times and places, and at such general sessions the chairman of the county shall sit as sole judge of the court, and shall hear and determine any such appeals which are brought before him, and shall have the jurisdiction and powers of a court of quarter sessions, and the decision of such chairman, whether as to the jurisdiction of the justice or magistrate or otherwise, shall be final and conclusive.

(7.) Any depositions taken at the hearing of a case before the divisional justice or two resident magistrates may be admitted in evidence on an appeal in that case.

(8.) The expression " chairman of the county " in this section means a county court judge and chairman of the quarter sessions of a county, and includes a recorder.

XXIII. The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time, when it appears to him necessary for the prevention of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts or any of those provisions to be in force within any specified part of Ireland as from the date of the proclamation, or any later date specified in the proclamation; and the provisions of this Act which are mentioned in the proclamation shall after the said date be in force within such specified part of Ireland, and that part of Ireland shall be a proclaimed district within the meaning of the provisions so mentioned. The proclamation shall provide for the manner of the promulgation thereof.

XXIV. (1.) The Lord Lieutenant, but by and with the advice of the Privy Council, where a proclamation or order has been made by and with such advice, may, by a further proclamation or order, from time to time alter or revoke any proclamation or order made by him under this Act. A copy of every proclamation under this Act shall be laid before each House of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

(2.) Any warrant, order, notice, or other document of the Lord Lieutenant under this Act may be signified under his hand or under the hand of the Chief Secretary to the Lord Lieutenant.

(3.) Every proclamation under this Act, and a notice of the promulgation thereof in the manner provided, shall be published in the *Dublin Gazette*.

(4.) The production of a printed copy of the *Dublin Gazette* purporting to be printed and published by the Queen's authority, and containing the publication of any proclamation, order, or notice under this Act, shall be conclusive evidence of the contents of such proclamation, order, or notice, and the date thereof, and in the case of a proclamation that the district specified in such proclamation is a proclaimed district within the meaning of the provisions of this Act mentioned in the proclamation, and that the said proclamation has been duly promulgated, and in the case of an order that it has been duly made.

XXV. (1.) A warrant for the trial by a Special Commission court of a person charged with an offence shall be in the prescribed form, and shall, subject to the other provisions of this Act, be issued before he is arraigned for trial for such offence before some other tribunal in the ordinary course of law, or before the expiration of two months from the date of his being committed for trial, whichever of such event may first happen.

(2.) A copy of a warrant for the trial of a person before a Special Commission court shall be served on such person in the prescribed manner not less than fourteen days before his trial before such court begins, and shall be published in the *Dublin Gazette*, and shall be laid before Parliament within fourteen days, if Parliament be then sitting, and if not, within fourteen days after the then next meeting of Parliament.

(3.) Not less than fourteen days before the sitting of any Special Commission court to try a person for any offence, public notice shall be given in the prescribed manner in the locality in which the person charged with such offence was committed for trial, stating the names of the Special Commissioners, the said offence, the name of the person charged with such offence, and the place at which the court will sit and the day on which the sitting of the court will begin. A copy of such notice shall also be served in the prescribed manner, and within the prescribed time, on the person to be tried.

(4.) An objection to the jurisdiction of a Special Commission court to try a person for any offence shall not be entertained by

reason only of any non-observance of the provisions of this section ; but the court, on application, may adjourn the case, so as to prevent any person charged being prejudiced by such non-observance.

XXVI. (1.) The judges to be members of a special Commission court, and the judges to sit in the Court of Criminal Appeal under this Act, shall be respectively selected according to separate rotas to be determined by ballots held at the prescribed time and in the prescribed manner ; but where a judge appears to the Lord Lieutenant to be, on account of illness or some reasonable cause, ineligible, the judge next on the rota shall be selected.

(2.) Any judge appointed after either rota is determined shall be added after all the other judges on the rota.

(3.) An objection to the jurisdiction of a Special Commission court, or of the Court of Criminal Appeal under this Act, shall not be entertained by reason of the rota of judges to form or sit on such court not having been properly determined, or not having been observed.

XXVII. (1.) Commissions under this Act constituting Special Commission courts shall be in the prescribed form and be issued and superseded in the prescribed manner.

(2.) If any member of a Special Commission court dies, or it appears to the Lord Lieutenant that from illness or some reasonable cause it is necessary that another judge should be appointed in the place of a member of a Special Commission court, the Lord Lieutenant may, if he thinks it expedient so to do, direct a supplemental commission to be issued in the prescribed form and manner, appointing the next judge on the rota who is not ineligible to fill the vacancy in such court.

(3.) Subject to the provisions of this Act, and for the purpose of the trial of any persons charged before them, a Special Commission court shall have all the powers and jurisdiction of Her Majesty's High Court of Justice in Ireland, and all the same powers and jurisdiction as if it were a court of assize, and the court of oyer and terminer, and a court of gaol delivery, trying with a jury an offender indicted before such court, and shall have all the powers of a petty jury at such court, and shall be a superior court of record, and the same intendment shall be made in respect of all orders, writs, and process made by

issuing out of such Special Commission court, as if it were a superior court of record acting according to the course and by the authority of the common law.

(4.) All the members of a Special Commission court shall be present at the hearing and determination of the case of a person tried before such court, but, save as aforesaid, the jurisdiction of the court may be exercised by any of such members, and any act of the court shall not be invalidated by reason of any vacancy among the members.

(5.) Any offence with which a person brought for trial before a Special Commission court, in pursuance of this Act, is charged, shall be deemed to have been committed at some place within the jurisdiction of such court.

(6.) During such time as a person is subject, in pursuance of a warrant under this Act, to be tried by a Special Commission court for any offence, he shall not be liable to be tried by any other court for the same offence.

(7.) The trial by a Special Commission court of a person in pursuance of a warrant under this Act shall begin at such time within two months from the date of the warrant as may be ordered by the Lord Lieutenant, unless such trial is postponed by the court in the prescribed manner on the request of such person, or on account of the illness or absence of a witness, or on account of a vacancy in the court, or of the illness of such person, or some other sufficient cause, or unless the trial of such person, when commenced, has been discontinued on account of a vacancy in the court or the illness of such person, or some other sufficient cause.

(8.) Where a trial of a person is postponed or discontinued, the trial of such person may take place before the same court or any other special commission court, and shall take place as soon as may be and within the prescribed time.

(9.) In the event of a trial of a person which has been postponed or discontinued taking place before the same Special Commission court, the prescribed notice shall be given of such trial, and in the event of such trial taking place before another Special Commission court, a new warrant shall be issued for the trial of such person, and such warrant shall not be invalidated by reason only that it is issued after the expiration of two months from the date of such person being committed for trial.

(10.) A commission appointing a Special Commission court shall not be superseded or affected by the issue of another like commission, or of any commission of assize, oyer and terminer, gaol delivery, or other commission whatsoever, whether to the same or any other persons, nor shall the sitting or jurisdiction of such court be affected by the sitting of any such commission or of the High Court of Justies.

(11.) The number of judges sitting as the Court of Criminal Appeal under this Act to hear any case shall be such uneven number as, subject to the provisions of this Act, the Lord Chancellor may from time to time appoint, but if during the hearing of any case any judge so sitting dies or becomes unable to act, the whole case shall be again heard.

(12.) Sentence of death passed by a Special Commission court shall be carried into effect in the county or place where the trial is held by the sheriff having jurisdiction therein, or in such other place and by such other sheriff or officer as the Lord Lieutenant may direct.

(13.) The indictment against any person brought for trial before a special Commission court shall be prepared in the prescribed manner, and shall be in the prescribed form, and shall be of the same effect as if it were, and shall, so far as circumstances may admit, be deemed for all the purposes of the trial to be, an indictment found by a grand jury; and the proceedings before a Special Commission court shall, so far as circumstances may admit, be conducted in like manner as the proceedings on the trial of an indictment before a court of oyer and terminer, and the court shall have the same power of amending any indictment or other document or proceeding which a court of oyer and terminer has.

(14.) An objection to the jurisdiction of a Special Commission court to try a person in pursuance of a warrant under this Act shall not be entertained by reason only of any want of form in the warrant or of any mistake in the name or description of such person in the warrant if it is shown that the person tried is the person to whom the warrant relates; and an objection to the proceedings of such court for any want of form on the trial of any person shall not be entertained, if no injustice was thereby done to such person.

(15.) Lists of the names of all persons convicted by a Special



Commission court under this Act, with the dates of their convictions and the offences of which they have respectively been convicted, shall from time to time be laid before both Houses of Parliament at the following times, that is to say, a list of such names shall be laid before Parliament within seven days after the commencement of each Session of Parliament, and subsequent lists of intervals of not more than three months during the continuance of each Session. Every list after the first list shall contain only the names of persons convicted since the previous list.

(16.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of a person coming to the place at which he is to be tried before a Special Commission court in any case where he was admitted to bail and is to be tried beyond the limits of the county in which he was committed for trial.

(17) The prescribed Crown Solicitor, or other prescribed officer, under the direction of the Attorney General, shall provide, when necessary, for advancing money for enabling a person about to be tried before a Special commission court, and the witnesses required for the defence of such person, to attend the trial

XXVIII. The rules in the first schedule to this Act with respect to procedure on appeals under this Act to the Court of Criminal Appeal and the other matters therein mentioned shall have the same effect as if enacted in the body of this Act.

XXIX. There shall be paid out of the Consolidated Fund such allowances to judges and chairmen of counties, and there shall be paid out of moneys provided by Parliament such allowances to officers and other persons acting in pursuance of this Act, and such expenses incurred in reference to any court established or exercising jurisdiction under this Act, and such expenses of persons charged, counsel and witnesses, payable in pursuit of this Act, as the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time appoint.

XXX. The Lord Lieutenant may from time to time, by and with the advice of the Privy Council make, and when made revoke, add to, and alter rules in relation to the following matters :—

- (1.) For adapting the procedure on the preliminary to the trial of criminal cases, including the forms of indictment and other matters, to a Special Commission Court under this Act; and
  - (2.) In relation to the procedure on appeals from a Special Commission court under this Act, and in relation to the sittings of the Court of Criminal Appeal under this Act; and
  - (4.) In the case of a trial before a Special Commission Court, in relation to the sitting of such court in any place, and to the nomination of officers of such court; and
  - (4.) In the case of a trial before a Special Commission Court, or the case where a special jury is required or where the venue is changed in relation to the attendance, authority, and duty of sheriffs, coroners, justices, gaolers, constables, officers, ministers, and persons, the removal and custody of prisoners, the alteration of any writs, precepts, inquisitions, indictments, recognizances, proceedings, and documents, the transmission of inquisitions, indictments, recognizances, and documents, and the expenses of prosecutors and witnesses, and the carrying of sentences into effect; also, in the case where a special jury is required, and the number of jurors to be returned on any panel; and
  - (5.) In relation to forms for the purposes of this Act, and to any matter by this Act directed to be prescribed; and
  - (6.) In relation to any matters which appear to the Lord Lieutenant, by and with the advice aforesaid to be necessary for carrying into effect the provisions of this Act;
- and any rules made in pursuance of this Act shall be judicially noticed and be of the same validity as if they were contained in this Act.

XXXI. Any powers or jurisdiction conferred by this Act on any court or authority in relation to any offence or matter shall be deemed to be in addition to and not in derogation of any other powers or jurisdiction of any court or authority subsisting at common law or by Act of Parliament in relation to such offence or matter:

Provided that no person shall be tried or punished twice for the same offence.

XXXII. No agreement or combination, which under the Trade

Union Acts, 1871 and 1876, or the Conspiracy and Protection of Property Act, 1875, is legal, shall be deemed to be an offence against this Act.

XXXIII. Nothing in this Act shall render unlawful any political or social association for such object, and acting by such means as under this Act or otherwise, are not unlawful, nor shall membership of such an association be deemed to be an offence against this Act.

XXXIV. The expression "unlawful association" means an association formed :

(a.) for the commission of crimes ; or

(b.) carrying on operations for or by the commission of crimes ; or

(c.) for encouraging or aiding persons to commit crimes ; and the expression "crime" for the purposes of this section means any offence against this Act, and also any crime punishable on indictment by imprisonment with hard labor, or by any greater punishment.

XXXV. In this Act unless the context otherwise requires.—

The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

The expression "county" includes a county of a city and a county of a town and city and county.

The expression "Attorney-General" includes in the case of any vacancy or inability to act the Solicitor-General:

The expressions "arms" and "ammunition" respectively have the same meaning as in the Peace Preservation (Ireland) Act, 1881.

The expression "prescribed" means prescribed by rules to be made by the Lord Lieutenant in manner provided by this Act.

The expression "committed for trial" means a person committed to gaol to be there kept until his trial for an offence, or admitted to bail on the condition of his appearing to take his trial for any offence.

The expression "aggravated act of violence against the person" means an assault which either causes actual bodily harm, or grievous bodily harm, or is committed with intent to cause grievous bodily harm.

The expression "attack on a dwelling-house" means any crime cognizable by law involving the breaking into, firing at, or otherwise assaulting or injuring a dwelling-house.

The expression "resident magistrate" means a magistrate appointed in pursuance of the Act of the session of the sixth and seventh year of the reign of King William the Fourth, chapter thirteen, intituled "An Act to consolidate the laws relating to the constabulary force in Ireland," and of the Acts amending the same, and includes any divisional justice of the police district of Dublin metropolis.

The expression "inspector of constabulary" means a county inspector of the Royal Irish Constabulary, and includes an inspector of the Dublin metropolitan police, and the expression "sub-inspector of constabulary" means a sub-inspector of the Royal Irish Constabulary.

The expression "judges of the Supreme Court of Judicature" means the judges of Her Majesty's Court of Appeal and of Her Majesty's High Court of Justice in Ireland other than the Judicial Commissioner of the Irish Land Commission.

XXXVI. This Act may be cited as the Prevention of Crime (Ireland) Act, 1882.

XXXVII. This Act shall continue in force until the expiration of three years next after the passing thereof, and to the end of the then current session of Parliament.

Provided, that the expiration of this Act shall not affect the validity of anything done in pursuance of this Act, and any person convicted under this Act may be punished as if this Act continued in force, and all appeals, prosecutions, and other legal proceedings pending under this Act at the time of the expiration thereof may be carried on, completed and carried into effect, and the sentences carried into execution, as if this Act had not expired.

## SCHEDULES.

### FIRST SCHEDULE.

#### RULES FOR APPEALS TO THE COURT OF CRIMINAL APPEAL.

(1.) Notice of the appeal shall be given within seven days after the day on which the appellant was sentenced by the Spe-

cial Commission Court, or such further time as may be allowed by the said Special Commission Court, or by the Court of Criminal Appeal.

(2.) The said notice shall be served in the prescribed manner on the master of the Crown Office, or other prescribed person (who is in this Schedule included in the term Master of the Crown Office), but such notice shall not be invalidated by any informality in the procedure.

(3.) The master of the Crown Office shall forthwith in the prescribed manner give notice to the Attorney-General, and to the Special Commission Court before which the appellant was tried, and the latter court shall forthwith forward in the prescribed manner, for the use of the Court of Criminal Appeal, copies of the shorthand writer's notes, and all indictments, documents, and things connected with the case.

(4.) The master of the Crown Office shall forthwith give notice to the judges whose duty it is, according to the rota, to sit in the Court of Criminal Appeal, and those judges shall, notwithstanding any vacation, forthwith proceed to hold a court, and hear and determine the appeal.

(5.) Unless the Court of Criminal Appeal, on the application of the appellant or of the Attorney-General, for special reason otherwise orders, the court shall be held within fourteen days after the day on which the appellant was sentenced, and shall sit from day to day to hear the appeal.

(6.) The appeal shall be heard in open court in the presence of the appellant, and the appellant may appear by counsel or solicitor.

(7.) The court may re-hear the case by the reading of the evidence as contained in the shorthand writer's notes and may permit to be called or call any new witnesses, and may recall any witness who gave evidence at the trial, and may either examine such witness or let him be examined and cross-examined by or on behalf of the appellant and the prosecutor.

(8.) During the time allowed for an appeal and while an appeal is pending a sentence shall not be carried into execution, but the appellant shall be detained in custody in like manner as if he were awaiting his trial; and he shall be brought before the court in accordance with the prescribed rules, and the master of the Crown Office shall give the prescribed notice of

the appeal to the sheriff, gaoler, and other persons concerned in the execution of the sentence or the custody of the appellant, and shall also give such notice of the result of the appeal as may be necessary for carrying into effect the final judgment of the court.

(9.) Where a person convicted by a Special Commission court is in custody and without legal assistance, and is desirous to appeal, it shall be the duty of the governor or other chief officer of the prison in which he is confined to assist him in making out and forwarding within due time a notice of appeal to the proper officer in accordance with this Act.

(10.) An appellant shall be entitled, on application, to have a copy of the shorthand writer's notes, free of charge.

### SECOND SCHEDULE.

Column 1.	Column 2.
County of Antrim.	County of the Town of Carrick-fergus.
County of Cork.	County of the City of Cork.
County of Dublin.	County of the City of Dublin.
County of Galway.	County of the Town of Galway.
County of Kilkenny.	County of the City of Kilkenny.
County of Limerick.	County of the City of Limerick.
County of Waterford.	County of the City of Waterford.

### THIRD SCHEDULE.

#### ALIEN ACT.

#### COPY OF ACT REFERRED TO.

#### ANNO UNDECIMO VICTORIÆ REGINÆ.

C A P. XX.

An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm. [9th June 1848.]

WHEREAS it is expedient, for the due Security of the Peace and Tranquillity of this Realm, that Provision should be made,

for a Time to be limited, respecting Aliens arriving or resident in this Kingdom: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when and so often as One of Her Majesty's Principal Secretaries of State in that Part of the United Kingdom called Great Britain, or the Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called Ireland, shall have Reason to believe, from Information given to him or them respectively, in Writing, by any Person subscribing his or her Name and Address thereto, that for the Preservation of the Peace and Tranquillity of any Part of this Realm it is expedient to remove therefrom any Alien or Aliens who may be in any part of this Realm, or who may hereafter arrive therein, it shall be lawful for such Secretary of State in that Part of the United Kingdom called Great Britain, and for such Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called Ireland, by Order under his or their Hand or Hands respectively, to be published in the London or Dublin Gazette, as the Case may be, to direct that any such Alien or Aliens who may be within Great Britain or Ireland respectively, or who may hereafter arrive therein, shall depart this Realm, within a Time limited in such Order; and if any such Alien shall knowingly and wilfully refuse or neglect to pay due Obedience to such Order, or shall be found in this Realm or any Part thereof, contrary to such Order, after such Publication thereof as aforesaid, and after the Expiration of the Time limited in such Order, it shall be lawful for any of Her Majesty's Principal Secretaries of State, or for the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Chief Secretary, or for any Justice of the Peace, or for the Mayor or Chief Magistrate of any City or Place, to cause every such Alien to be arrested, and to be committed to the Common Gaol of the County or Place where he or she shall be so arrested, there to remain without Bail or Mainprize, until he or she shall be taken in charge for the Purpose of being sent out of the Realm, under the Authority hereinafter given.

II. And be it enacted, That every such Alien so knowingly and wilfully refusing or neglecting to pay due Obedience to any

such Order as aforesaid shall be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court, be adjudged to suffer Imprisonment for any Time not exceeding One Month for the First Offence, and not exceeding Twelve Months for the Second and any subsequent Offence.

III. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of Ireland, in any Case in which any Alien shall be found in this Realm after the Expiration of the Time limited in such Order, and whether he or she shall or shall not have been arrested or committed for Refusal or Neglect to obey such Order, or convicted of such Refusal or Neglect, and either before or after such Alien shall have suffered the Punishment inflicted for the same, by Warrant under his Hand and Seal, to give such Alien in charge to One of Her Majesty's Messengers, or to any other Person or Persons to whom he shall think proper to direct such Warrant, in order to such Alien being conveyed out of the Kingdom; and such Alien shall be so conveyed accordingly: Provided always, that where such Alien (not having been convicted as aforesaid) shall allege any Excuse for not complying with such Order, or any Reason why the same should not be enforced, or why further Time should be allowed him or her for complying therewith, it shall be lawful for the Lords of Her Majesty's Privy Council in Great Britain or in Ireland, as the Case may be, to judge of the Sufficiency of such Excuse or Reason, and to allow or disallow the same either absolutely or on such Condition as they shall think fit; and where such Alien shall be in Custody under such Warrant of any of Her Majesty's Secretaries of State, or of the Lord Lieutenant or other Chief Governor or Governors of Ireland as aforesaid, the Messenger or other Person in whose Custody he or she shall be, forthwith upon its being signified to him that such Excuse or Reason is alleged by such Alien, shall make known the same to such Secretary of State, or to the Lord Lieutenant or other Chief Governor or Governors of Ireland, as the Case may be, who, upon receiving such Notification, or in any Case in which he or they shall be informed that any such Excuse or Reason is alleged by or on behalf of any Alien to quit the Realm, shall forthwith suspend the Execution of such Warrant until the Matter can be inquired into and determined by the



said Lords of Her Majesty's Privy Council ; and such Alien, if in Custody under any such Warrant, shall remain in such Custody, or if not in Custody may be given in charge by any such Warrant as aforesaid, and shall remain in Custody until the Determination thereon shall be made known, unless in the meantime such Secretary of State, or the Lord Lieutenant or other Chief Governor or Governors of Ireland, shall consent to or the said Lords shall make Order for the Release of such Alien, either with or without Security : Provided always, that the Lords of Her Majesty's Most Honorable Privy Council shall cause to be delivered to such Alien, in Writing, a general Summary of the Matters alleged against him or her, and shall allow him or her reasonable Time to prepare his or her Defence ; and that it shall be lawful for him or her to summon and examine upon Oath Witnesses before the said Lords of Her Majesty's Most Honorable Privy Council, and to be heard before them, by himself or herself, or his or her Counsel, in support of the Excuse or Reason by him or her alleged.

IV. Provided always, and be it enacted, That in every Case in which Power is given by this Act to commit any Alien to Gaol without Bail or Mainprize it shall and may be lawful for any Justices of Her Majesty's Courts of Record at Westminster or in Dublin, or for any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in Scotland, if upon Application made he shall see sufficient Cause, to admit such Person to Bail, he or she giving sufficient Security for his or her Appearance to answer the Matters alleged against him or her.

V. Provided nevertheless, and be it enacted, That where any Alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the Purpose of being sent out of the Realm, shall not be sent out of the Realm within One Calendar Month after such Commitment, it shall in every such Case be lawful for any of the Justices of Her Majesty's Courts of Record at Westminster or in Dublin, or for any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in Scotland, or for any Two of Her Majesty's Justices of the Peace in any Part of the United King-

dom, upon Application made to him or them by or on the Behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application had been given to some or One of Her Majesty's Principal Secretaries of State in Great Britain, or to the Lord Lieutenant or Chief Governor or Governors of Ireland, or his or their Chief Secretary, according to his or their Discretion, to order the Person so committed to be continued in or discharged out of Custody.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorized, nor any Person belonging to the diplomatic or domestic Establishment of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister, nor any Alien under the Age of Fourteen Years, or who shall have been residing within this Realm for Three Years next before the passing of this Act.

VII. And be it enacted, That this Act shall continue in force for One Year from the passing thereof, and until the End of the then next Session of Parliament.

VIII. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament.

#### APPENDIX M.

### ARREARS OF RENT (IRELAND) ACT, 1882.

[45 & 46 Vict. Ch. 47.]

#### ARRANGEMENT OF SECTIONS.

##### PART I.

##### *Settlement of Arrears of Rent.*

Section,

1. Settlement by Land Commission of arrears of rent.
2. Modification in case of evicted tenant when restored to holding.
3. Application of Act to existing leases.

##### PART II.

##### *Supplemental Provisions.*

4. Powers of Land Commission.
5. Delegation of powers of Land Commission.

6. Incorporated provisions of 33 & 34 Vict. c. 76.
7. Punishment of fraudulent claim.
8. Charge of liabilities under Act on Irish Church Temporalities Fund and Consolidated Fund.
9. Definition of landlord.
10. Limit of time.
11. Exclusion of tenants of holdings of an aggregate valuation exceeding thirty pounds.
12. Holding valued as part of larger tenement.
13. Suspension of proceedings.
14. Evidence.
15. Cancellation of certain rent charges under 44 & 45 Vict. c. 49. s. 59. in repayment of advances for arrears of rent.
16. Arrears of rent how dealt with.
17. Exemption in respect of public charges upon arrears of rent extinguished.

### PART III.

#### *Emigration.*

##### Section.

18. Power of guardians to borrow for emigration.
19. Orders for payment of loans may be made by Local Government Board.
20. Grants in aid of Emigration.
21. Rules.
22. Power to appoint an additional member of the Land Commission.
23. Rules for carrying Act into effect.
24. Short title of Act.

##### SCHEDULES.

### CHAPTER 47.

An Act to make provision respecting certain Arrears of Rent in Ireland. [18th August, 1882.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

## PART I.

*Settlement of Arrears of Rent.*

I. (1.) In the case of any holding to which the Land Law (Ireland) Act, 1881, applies, and which is valued under the Acts relating to the valuation of rateable property in Ireland at not more than thirty pounds a year, if on the application of the landlord and the tenant of such holding, or of either of them after ten days' notice in the prescribed manner by the landlord or his agent to the tenant, or by the tenant to the landlord or his agent, the following circumstances (in this Act referred to as preliminary conditions) are proved to the satisfaction of the Irish Land Commission, namely,—

- [a.] That the rent payable in respect of the year of the tenancy expiring on the last gale day of the tenancy in the year one thousand eight hundred and eighty-one (which year of the tenancy is in this Act referred to as "the year expiring as aforesaid") has been satisfied on or before the thirtieth day of November, one thousand eight hundred and eighty-two; and
- [b.] That antecedent arrears of rent are due to the landlord; and
- [c.] That the tenant is unable to discharge such antecedent arrears, without loss of his holding, or deprivation of the means necessary for the cultivation thereof,

the Irish Land Commission in this Act referred to as the Land Commission may make an order for the payment to or for the benefit of the landlord of a sum equal to one half of such antecedent arrears, subject to the limitation that the sum so paid shall not exceed the yearly rent payable in respect of the holding for the year of the tenancy next preceding the year expiring as aforesaid: Provided that for the purpose of application under the provisions of sections two, ten, and thirteen respectively of this Act, the Land Commission may in respect of such notice extend the periods in the said sections respectively mentioned for any time not exceeding ten days.

(2.) On such order for payment to or for the benefit of the landlord being made by the Land Commission, all such antecedent arrears of rent shall, subject as hereinafter mentioned, be released and extinguished, and any judgment, decree, or se-

curity for the rent of the holding, and any judgment or decree for the recovery of the holding on account of the non-payment of rent, shall be vacated so far as regards any rent due in respect of the holding before the last gale day in the year expiring as aforesaid, but shall not be vacated so far as regards any rent subsequently accrued due, or any costs due in pursuance of such judgment, decree, or security: Provided that in the event of a sale of the tenancy within seven years from the making of such order the arrears of rent dealt with by such order and not satisfied by payment or remission shall, to an amount not exceeding one year of such arrears nor one half of the proceeds of such sale, be a sum payable to the landlord out of such proceeds within the meaning of the Land Law [Ireland] Act, 1881. For the purposes of this Act the saleable value of the tenant's interest shall, so far as the Commissioners think it reasonable, be taken into account in ascertaining whether the tenant is unable to discharge such antecedent arrears.

[3.] All payments on account of rent made by the tenant to the landlord in or subsequent to the year expiring as aforesaid, but before the thirtieth day of November, one thousand eight hundred and eighty-two, shall be deemed to have been made on account of the rent payable in respect of the year expiring as aforesaid, to the extent to which the rent for that year had at the time of such payment accrued due, provided that where it appears that, according to the ordinary course of dealing between the landlord and tenant of a holding, the rent of such holding has usually been paid on some day after the day on which it became legally due, the usual day of payment shall be deemed, for the purposes of this sub-section, to be the time at which the rent accrued due.

(4.) A remission by the landlord of the whole or any part of the rent payable in respect of the year expiring as aforesaid shall be deemed to be a satisfaction of the amount of rent so remitted; provided that no remission made for any previous year shall be credited to the year expiring as aforesaid.

(5.) The Land Commission, if satisfied on the occasion of any application made under this Act, that it is just so to do, may authorize the tenant to make to the Land Commission any payments on account of the rent payable in respect of the year of the tenancy expiring as aforesaid which the tenant might other-

wise have made to the landlord, and such payment shall for the purposes of this Act, be deemed to have been made to the landlord, and the Land Commission shall, having first given public notice in the prescribed manner, cause any sum so paid by the tenant to be paid to the person appearing to such Commission to be entitled thereto as landlord.

(6.) Any money payable under this Act by the Land Commission to the landlord shall be paid to the person entitled as landlord without cost, except so far as may be caused by disputed title or by the person so entitled failing to comply with the rules for the time being in force relating to the payment of such money : Provided always, that where two or more parties are entitled to arrears, the Land Commission shall have power to decide the rights of the parties, and the proportion in which the sums so ordered to be paid to or for the benefit of the landlord shall be divided amongst them.

II. Any tenant evicted from his holding for non-payment of rent, or whose tenancy has been purchased for the landlord at any sale under and by virtue of any writ of execution founded upon a judgment obtained by the landlord for an arrear of rent due in respect of such holding, may, if his landlord agrees to reinstate him, apply, with the consent of his landlord in the prescribed manner, during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted or his tenancy had not been sold.

Any tenant evicted for non-payment of rent whom the landlord does not agree to reinstate, but who is entitled to apply for a writ of restitution in pursuance of the seventy-first section of the Landlord and Tenant Law Amendment Act (Ireland), 1860, may apply during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted, and on an application being made to that court having cognizance of the case for a writ of restitution, the court shall deal with the case as if the tenant had paid all arrears of rent up to the last gale day in the year expiring as aforesaid, and on compliance by the tenant with the other conditions of the said Act of 1860 the

court may order his restitution: Provided that an order of the Land Commission under this section shall not take effect until and unless the tenant is restored to his holding.

For the purpose of enabling any such evicted tenant to make an application to the Land Commission under the first section of this Act, the Land Commission shall have power, on application made by him within six months from the time of eviction, and during the time limited for applications under this Act, to enlarge the time during which he may redeem his tenancy for a period not exceeding three months, subject to such terms and conditions as may seem just.

III. This Act shall apply to holdings subject to existing leases within the meaning of section twenty-one of the Land Law (Ireland) Act, 1881, in like manner as it applies to any other holding.

## PART II.

### *Supplemental Provisions.*

IV. For the purposes of this Act the Land Commission may exercise all such powers vested in them for the purpose of the execution of the Land Law (Ireland) Act, 1881, as are referred to in the first schedule to this Act, and shall have full jurisdiction to hear and determine all matters, whether of law or fact, that may be required to be determined by them for the purposes of this Act, and they shall have power to retain in their hands any moneys which may be payable to a landlord until they have decided to whom such moneys are legally payable, and they shall in respect of such moneys have all the powers vested in the court by the thirty-seventh section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the distribution of purchase moneys, in the same manner as if the moneys so payable to the landlord were purchase moneys.

The Land Commission shall not be subject to be restrained in the execution of their power under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

The Land Commission may of its own motion, or shall on the application of any party to any proceeding pending before it unless it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such

proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

V. The Land Commission may from time to time by rule under this Act or by special order delegate any power or any duty under this Act, except the power of making rules or appointments, to the Civil Bill Court or to any Sub-Commission, or any member of the Land Commission, or any member of a Sub-Commission being a barrister-at-law or solicitor, and every Court, Sub-Commission, or member of the Land Commission or Sub-Commission to whom such power or duty shall be delegated, shall, in reference thereto, and subject to an appeal on matter of law to the Land Commission on and in such conditions and circumstances as may be prescribed, have all the powers of the Land Commissioners.

The Land Commission may, from time to time, with the assent of the Treasury, appoint fit persons possessing such qualifications as may be prescribed by the Treasury to investigate and report as to the existence or non-existence in the case of holdings of the preliminary conditions required to be proven for the purpose of orders under this Act and as to the values of such holdings, and the Land Commission may adopt any such report, or any part thereof, as may seem expedient, and may from time to time direct a fresh investigation to take place, or may themselves take evidence in respect of the subject matter of such investigation.

Any person or persons appointed in pursuance of this section may for the purposes of the investigation administer an oath.

The Commissioners of Her Majesty's Treasury may be represented on an inquiry under this Act by any person nominated by them for such purpose.

VI. In the case of any persons interested in any matter arising under this Act, the provisions of sections fifty-nine, sixty, and sixty-one of the Landlord and Tenant (Ireland) Act, 1870, as to administration on the death of a tenant, and as to provision for married women, and as to provision for other persons under disability, shall apply to any proceedings under this Act in the same manner as if the said sections were herein enacted, and in the terms made applicable to this Act.

VII. If in any proceedings under this Act any person concerned in such proceeding as principal or agent, with intent to substan-



tiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document, or of any fact, or produces, or is privy to the production of any false evidence, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be liable, in the discretion of the court, either to imprisonment for a term not exceeding two years, with or without hard labor, or to a fine not exceeding five hundred pounds.

Any sum paid by the Land Commission in respect of any false claim shall be a debt due to the Crown from the person on behalf of whom it is paid.

VIII. Any liabilities incurred by the Land Commission on account of payments to landlords in respect of arrears of rent under this Act shall be primarily a charge on the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund in such manner as may hereafter be provided by Parliament.

The Irish Church Temporalities Fund means the fund under the control of the Land Commission under the provisions of the Irish Church Act Amendment Act, 1881.

IX. The expression "landlord" in relation to a holding means, for the purposes of this Act, any person for the time being entitled to receive the rents and profits of such holding.

X. An application under this Act shall not be made by any landlord or tenant after the last day of December one thousand eight hundred and eighty-two, except by leave of the Land Commission, and in no case after the thirtieth day of April, one thousand eight hundred and eighty-three, and the Land Commission shall grant such leave only in cases where it is proved to their satisfaction that injustice would be done in case leave were refused.

XI. An order under this Act shall not be made in the case of a holding the tenant of which is possessed of two or more holdings in Ireland to which the Land Law (Ireland) Act, 1881, applies, and the valuation of which under the Acts relating to the valuation of rateable property in Ireland amounts in the whole to more than thirty pounds a year.

And the question as to whether the tenant of any holding in respect of which an application may be made under this Act is or is not possessed of such holdings as are in this section in that behalf mentioned may be investigated and reported on by any

person appointed under this Act to investigate and report on the preliminary conditions for an order under this Act.

XII. Where a holding, as defined by the Land Law (Ireland) Act, 1881, is not separately valued, but forms part of a larger parcel of land valued as one tenement under the Acts relating to the valuation of rateable property in Ireland, such holding shall be deemed to be a separate holding for the purposes of this Act, and to be valued under the said Acts at such proportion of the sum at which the whole of the said tenement is valued as the rent of the holding bears to the rent of the whole of the said tenement.

XIII. Where any proceedings for the recovery of the rent of a holding to which this Act applies, or for the recovery of such holding for non-payment of rent on account of the rent in respect of the year expiring as aforesaid and antecedent arrears, have been taken before or after an application under this Act in respect of such holding, and are pending before such application is disposed of, the court before which such proceedings are pending shall, if the provisions of section one, sub-section (a.), have been complied with, and on such terms and conditions as the court may direct, postpone or suspend such proceedings until the application under this Act has been disposed of.

XIV. Evidence required for the purposes of this Act shall, whenever practicable, be taken upon oath, and may be either oral or by affidavit, and affidavits of the landlord, or his agent, and the tenant may be accepted as *prima facie* evidence of all or any of the preliminary conditions or other matters.

Affidavits for the purposes of this Act may be taken and sworn before any person authorized by this or any other Act to administer an oath.

XV. Whereas by section fifty-nine of the Land Law (Ireland) Act, 1881, it is provided, that where it appeared to the Court, on the joint application, made on or before the twenty-eighth day of February one thousand eight hundred and eighty-two, of the landlord and tenant of any holding valued at a sum not exceeding thirty pounds a year, that the tenant had paid the whole of the rent payable in respect of the year of the tenancy expiring on the gale day next before the twenty-second day of August one thousand eight hundred and eighty-one, and that

antecedent arrears were due, the Land Commission might make in respect of such antecedent arrears an advance of a sum not exceeding one year's rent of the holding and not exceeding half the antecedent arrears, and thereupon the Court should by order declare the holding to be charged with the repayment to the Land Commission of the said advance by a rent-charge payable and calculated as in the said section mentioned :

And whereas in pursuance of the said section divers advances have been made in respect of the arrears of rent on divers holdings, and such holdings have been charged with the repayment of the said advances by such rent-charges as in the said section mentioned, and it is expedient to amend the said section : Be it therefore enacted as follows :

Where in pursuance of section fifty-nine of the Land Law (Ireland) Act, 1881, an advance has been made, before the passing of this Act, towards the payment of the arrears due in respect of any holding, and a rent-charge has been charged on such holding for the repayment of such advance, the Land Commission, if it is proved to their satisfaction on the application of either the landlord or the tenant of the holding that the tenant was, at the date of the said advance being made, unable to discharge the arrears in respect of which the advance was made, may by order cancel the said rent-charge, and the same shall cease to be payable, whether by the landlord or the tenant, as from the last day appointed for payment of the same next before the date of the order, and the amount of the said advance shall be a charge on the Irish Church Temporalities Fund.

XVI. Where it appears to the Land Commission, on the joint application of the landlord and tenant of any such holding valued at a sum not exceeding fifty pounds a year, that the tenant has paid the whole (or such sum as the landlord may be willing to accept in full discharge of the whole) of the rent payable in respect of the year of the tenancy expiring as aforesaid, and that the tenant has obtained a receipt in full for such rent, and that antecedent arrears are due, the Land Commission may make to the landlord, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with

the repayment of the advance to the Land Commission, by a rent-charge payable half-yearly on the first day of January and the first day of July during the thirty-five years from the date specified in the order and calculated at the rate of five pounds by the hundred, by the year, of the advance.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding, except quit-rent and crown rent, and sums payable to the Commissioners of Public Works, and shall be payable by the tenant of the holding for the time being, and shall be levied and collected in manner hereinafter provided; and in the event of a tenant failing to pay any half-yearly instalment of the said charge for the space of twelve months after the same shall have accrued due, then and in every such case the amount of such instalments, together with the entire of the unpaid residue of such charge, with interest as ascertained by the Land Commission, shall forthwith be payable by the tenant, and the amount thereof shall be raised by the sale of the tenancy in the prescribed manner.

The half-yearly instalments of such charge shall be from time to time collected by the collector authorized to collect poor rate in the electoral division in which such holding is situate; and for the purpose of such collection every collector shall have all such powers and authorities as he shall for the time being possess for collecting and recovering poor rate, and shall and may collect and levy the same accordingly from the tenant liable to pay the same, notwithstanding that such tenant may not be liable to pay poor rate.

For the purpose of such collection the Land Commission shall, in each half-year, transmit to the clerk of every union, within which any holding or holdings charged as aforesaid shall be situate, a warrant under the seal of the Land Commission, setting forth the names of the tenants within such union liable to pay such charges or the instalments thereof, and the amount due by each respectively, and such warrant shall be judicially noticed in all proceedings in court, and shall be conclusive evidence of the arrears due by such tenants respectively, and of their liability to pay the same.

The collector shall be paid by the Land Commission such remuneration, not exceeding one shilling in the pound of his collection, as the Land Commission, with the consent of the Treasury, may

determine, and the clerk of the union may be paid such remuneration (if any) as the Land Commission may with the like consent determine.

Every such collector shall pay and account for the sums collected or collectable by him under this Act to the guardians of the union in which such holding is situate in the prescribed form ; and the guardians shall transmit the amounts from time to time received by them as aforesaid to the Land Commission under the prescribed regulations.

In the event of such default by the tenant for the space of twelve months as aforesaid, it shall be lawful for the county court of the county in which the holding is situate, on the application of the Land Commission, to order a sale of such tenancy, which shall be sold, and the proceeds of such sale dealt with by the said county court in the prescribed manner.

If the proceeds of any such sale fail to realize the amount ascertained by the Land Commission as aforesaid, together with the cost of sale, the amount of the deficiency shall be paid by the landlord of the said holding, and shall be a charge upon his estate and interest therein, and shall be collected and levied in the prescribed manner : Provided, that on any transfer of the tenant's interest in the holding by sale, the principal sum and interest, if any, remaining due to the Land Commission, shall be paid out of the purchase money to the Land Commission.

On the order of the Land Commission being made as aforesaid in relation to any holding such antecedent arrears shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant in or subsequent to the year expiring as aforesaid shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for that year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord the advance made under this section shall be rateably distributed amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the periods mentioned in the tenth clause aforesaid.

The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from

the Land Commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act or the Landlord and Tenant (Ireland) Act, 1870, or the Land Law (Ireland) Act, 1881, in relation to such holding.

The Land Commission shall, at such time after the expiration of each period of twelve months as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rent charges payable to them under this section as they have failed to recover at the expiration of the said period.

Whenever, in the case of any tenant evicted for non-payment of rent, or in case the holding of the tenant has been sold and purchased by the landlord and possession taken thereof by him, since the first day of May one thousand eight hundred and eighty, the landlord agrees to reinstate such tenant on the terms in this section set forth, this section shall apply as if such tenant had not been so evicted from his holding.

XVII. Where, in the case of a holding of which any person is owner, antecedent arrears of rent due in respect of any year or years, or portion of a year, have been extinguished in pursuance of this Act, and any public charge or tax accrued during such year or years, or portion of year or years, is due from such person as or in consequence of his being owner of such holding, then, on proof to the satisfaction of the Land Commission that the owner has, during such time as aforesaid, received no rent, or an amount of rent less than the full rent, such public charges or taxes shall, if no rent has been received, be wholly remitted, and if an amount of rent less than the full rent has been received, be remitted in proportion to the amount of rent not received.

Where a person has paid any public charges or taxes which, if not paid, would be remitted under this section, the amount which would have been so remitted, shall be allowed as a deduction from any future payment or payments of the public charges or taxes of the same description, or may be recovered as a debt from the authority to whom it may have been paid.

Any payment which an owner may receive under this Act in respect of arrears of rent shall, for the purposes of this section, be taken into account as rent.

The Land Commission shall ascertain, for the purposes of this

section, in such manner as they think best calculated to ascertain the truth, the amount of public charges or taxes due in any year or portion of a year from a person as, or in consequence of, his being owner of a holding.

"Public charges or taxes" means tithe, rent-charge, payable to the Land Commission, income tax, quit-rent, or any of such charges or taxes.

### PART III.

#### *Emigration.*

XVIII. From and after the passing of this Act, the board of guardians of any union in Ireland are authorized to borrow money for the purpose of defraying, or assisting to defray the expenses of the emigration of poor resident within their union, or any electoral division thereof, in manner provided by the Poor Law Amendment (Ireland) Act, 1849, as amended by subsequent Acts, subject to the following modification; (that is to say),

- (1.) The provisions of the said Act in relation to the repayment of the advance by annual instalments shall not apply;
- (2.) The advances may be made by the Commissioners of Public Works out of any moneys granted to them for the purpose of loans in place of the Public Works Loans Commissioners;
- (3.) Every such advance made by the Commissioners of Public Works shall bear interest at the rate of three-and-a-half per centum per annum, or at such other rate as the Treasury may from time to time fix, in order to enable the advance to be made without loss to the exchequer;
- (4.) Every such advance made by the Commissioners of Public Works, and the interest thereon, shall be repaid within such period from the date of the advance, not being less than fifteen years, nor more than thirty years, as the Treasury may from time to time fix.

For the purposes of this Act, the Poor Law Amendment (Ireland) Act, 1849, means the Act of the session of the twelfth and thirteenth years of Her present Majesty, chapter one hundred and four.

XIX. If at any time the Commissioners of Public Works in

Ireland certify that any sum remains due to them from the board of guardians of any union on account of any loan or advance made under this Act, and is then payable to the Commissioners, the Local Government Board shall, by order under their seal, require the guardians of the union to pay the sum so certified, and shall send copies of such order to the board of guardians and to the treasurer of the union; and thereupon the treasurer of the union shall, out of any money then in his hands to the credit of the guardians, or if such money is insufficient for the purpose, then out of all moneys subsequently received by him on account of the guardians, pay over the amount mentioned in the order to the Commissioners of Public Works. The guardians of the union shall debit the several electoral divisions with such proportions of that sum as may be payable by such electoral divisions respectively.

XX. The Treasury may from time to time authorize the Commissioners of Public Works to make, subject to the regulations of the Treasury, grants to the board of guardians of any union, or such other body or persons and on such terms as the Lord Lieutenant may approve for emigration purposes.

The moneys so granted shall be applied in accordance with the said regulations for the same purposes as moneys borrowed under the provisions of this Act.

The sums granted by the Commissioners of Public Works shall not exceed one hundred thousand pounds in the whole, and the sums granted shall not exceed five pounds per each person.

Such grants shall only be made for the benefit of the unions mentioned in the second schedule to this Act, and of such unions or electoral divisions as may from time to time be settled by the Local Government Board, with the consent of the Lord Lieutenant: Provided that such unions are situate wholly or in part of some county specified in the schedule to the public notice issued by the Commissioners of Public Works in Ireland, on the twenty-second day of November, one thousand eight hundred and seventy-nine, that is to say, the counties of Donegal, Clare, Cork (West Riding), Kerry, Galway, Leitrim, Mayo, Roscommon, and Sligo.

Each grant shall only be made on the recommendation of the



Lord Lieutenant, stating that the Lord Lieutenant is satisfied that the guardians of the union are unable, without unduly burdening the ratepayers, to make adequate provision, by borrowing under the powers conferred upon them by this Act, or otherwise, for the emigration purposes of the union, and that proper arrangements have been made for securing the satisfactory emigration of such persons.

The money required for the purpose of grants under this section shall be paid by the Land Commission to the Commissioners of Public Works, and shall be part of the liabilities of the Land Commission, and be a charge primarily upon the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund, in such manner as may be provided by Parliament.

XXI. The Lord Lieutenant may from time to time make provision that arrangements shall be made for securing the satisfactory emigration of persons for whom means of emigration are provided under this Act, by prescribing rules in relation to such matters, and for the employment of special agents for that purpose, and otherwise as he thinks expedient. And any grants made under this Act for emigration purposes shall be applicable to defraying the expenses of such arrangements in such manner as the Lord Lieutenant directs.

XXII. In addition to the three persons named as commissioners in the Land Law (Ireland) Act, 1881, the Right Honorable the Viscount Monck is hereby constituted a member of the Irish Land Commission, at a salary of three thousand pounds a year, and for the term of two years from the passing of this Act.

Save as aforesaid, the provisions of the Land Law (Ireland) Act, 1881, which relate to the members of the Irish Land Commission, other than the Judicial Commissioner, shall apply to the said the Right Honorable the Viscount Monck, and to every person appointed, as hereinafter provided to a vacancy in his office, as if he had been named in the said Act a member of the Land Commission other than the Judicial Commissioner.

If and so often as during the said term of two years any vacancy occurs in the office of the said the Right Honourable the Viscount Monck by the death, resignation, inability to act, or otherwise, of the said the Right Honourable the Viscount Monck, or any person appointed in his place, Her Majesty may by war-

rant under the sign manual appoint some fit person to fill such vacancy; but the person so appointed shall only continue in office until the expiration of the said term of two years; Provided that any act or matter which under the said Act shall be done or performed, or may be done or performed by three Land Commissioners sitting together, shall and may after the passing of this Act be in like manner done or performed by three of the Land Commissioners.

XXIII. The Land Commissions hall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them:

(1.) The tribunal, whether Land Commission, civil bill court, sub-commission, or member of the Land Commission or a sub-commission by which such applications are to be heard:

(2.) The mode of making applications under this Act, and the manner in which the tenant shall set out any property or effects of which such tenant may be possessed or entitled to, and which would be applicable to the satisfaction of any arrears of rent, and the conduct of proceedings before any tribunal hearing applications under this Act:

(3.) The conditions and circumstances on and in which appeals may be had to the Land Commission where applications have not been heard by the Land Commission:

(4.) The mode in which the expenses of hearing any application under this Act or of any appeal are to be defrayed.

(5.) The attendance and discharge of duties by the officers of civil bill courts before the Land Commission and sub-commissions when holding sittings under this Act:

(6.) The service of notices on persons interested, and any other matter by this Act directed to be prescribed:

(7.) The mode of collecting, suing for, recovering, and accounting for charges and instalments of charges, and the procedure for the sale of tenancies to raise the amount of such charges, and for dealing with the proceeds of such sales under this Act:

(8.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to

the Land Commission expedient to make rules for the purpose of carrying this Act into effect.

Any rules made in pursuance of this section shall be of the same force as if enacted in this Act, and shall be judicially noticed.

XXIV. This Act may be cited for all purposes as the Arrears of Rent (Ireland) Act 1882.



# INDEX.

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- A**BSENTEES, their number, 5; money by, taken from the country 7-9; rents of—sometimes reasonable, 10.
- Absenteeism, an old evil, 6; laws against, 6; causes of, 6-7; its evils, 7; Prior on, 7; disturbances attributed to, by Mr. Vandeleur, 8; a tax on, proposed, 8; disadvantages of, 8; its effect on a community, 8; more common and injurious in the West, 9; regarded by the people as a great grievance, 11; increased by the recent agitation, 11; how to diminish, 12.
- Act, the Arrears of Rent, see Arrears of Rent.
- Act, the Coercion, applied, 162 et seq.; P. J. Smyth on, 162-3; see also Coercion.
- Act, Educational, of 1870, 292.
- Act, the Land, of 1881, 151; does not apply to certain holdings, 155; ability of tenant to contract himself out of, 155; a radical measure, 159; see also Land Law.
- Act, Prevention of Crime, see Prevention of Crime.
- Adams vs. Dunseath, 228.
- Agents, Land, greatly censured, 13; functions of, character and duties, 14.
- Agitation, the recent, causes of, 99; the land, undertaken by the Fenians, 104-8; increases, 118-19; flourishes in the West, 118; is taken up by Parnell and the more active Home Rulers, 119; increased by rejection of Disturbance Bill, 136; the violent, censured, 167-78; necessary, 177; for improvement of the laborers' condition, 274.
- Agitator, an, on the outrages, 184.
- Agrarian Outrages, 76 et seq., (see also Outrages).
- "Agrarian War, The Irish," quoted, 78.
- Agricultural holdings, 260.
- Agricultural machinery improved by enterprising landlords, 9.
- Alien Act, revival of, 203; text of, 432.
- "Alien," the, a government, 296 et seq.
- "Alliance, The," 81.
- American competition, 212.
- Americans contribute to the relief of distress in Ireland, 128, 130, note.
- Appeal, Court of, 157.
- Appeal, to Land Commission, 157; to Court of Appeal, 157.
- Arnold, Matthew, on Irish education, 291; on English lack of sympathy, 307.
- Arrears of rent, 82; must be paid, 151; not adequately pro-

- vided for by the Land Act, 175; Parnell on, 187-190; provisions for, 200-203; how settled, 438; by gift, 438; by loan, 445.
- Arrears of Rent Bill, introduction of by Gladstone, 190; Parnell's connection with, 190; provisions of, 209-211; discussion of, 211-214.
- Arrears of Rent (Ireland) Act, 1882, text of, 436, et seq.; analysis of, 436-7.
- Assassination of Lord Cavendish and Mr. Bourke, 195; motives for, 195-6; sorrow and indignation on account of, 197-9.
- BAILIFFS**, 12, 131, 139.
- Banks, deposits in, 233, 279.
- Bankrupt, landlords, 4; tenants, 18.
- Beaconsfield, Lord, dissolves Parliament, 131; attacks Mr. Gladstone, 132; on Home Rule, 135; Parnell on the policy of, 135.
- Begging discouraged by the priests, 21.
- Belfast Harbor Board, 300: the business men of, on Home Rule, 313.
- Belmullet Union, 251.
- Bennett, James Gordon's efforts to relieve distress in Ireland, 128, 130 (note).
- Bessborough Commission quoted, 98, 269.
- Biggar, character of, 113; on physical force, 116; speech of at Mayborough, 123; opinion of outrages, 124; plan for Sunday afternoon meetings, 125; prosecuted for seditious conspiracy, 137.
- Blake, murder of, 184.
- Board of Public Works, 97; reclamation of land by, 252.
- Boards of Guardians, power of to borrow money for emigration, 265.
- Bog, reclaimed commission, 250; extent of, 250; mode of reclaiming, 250.
- Bourke on emigration, 264-5.
- Boycott, Captain, experience of, 145-7; the Emergency men, 145-6; has become quite popular, 146.
- Boycotting, 183; urged by a priest, 137; a crime, 200-1; in Tipperary, 223-4; terrors of, 223-4; defended by Mr. Dillon, 224.
- Brehon Laws, their origin, 26; general theory of, 26-7 Sir Henry Maine on, 27; declared illegal, 28.
- Brennan, 117, 126, 137, 171, 308.
- Bright, John, a friend of Ireland, 87; advocates reforms of landlaws, 87; on outrages, 87, 143; clauses, 94 et seq.
- Burke, Edmund, 72.
- Butt, Mr. Isaac describes important evictions, 64-66; leader of the Home Rule party, 110, 114.
- CARRAROE**, bloody encounter, 131.
- "Carding," 77.
- Castle, the, 301.
- Castlebar, Land League, organized at, 121.
- Catholics, 298; attitude of toward the National Schools, 289-291.
- Cavendish, Lord, appointed Chief Secretary, 194; assassinated, 195; character of, 196.
- Celtic land system, 26; language, 293.
- Central Tenants' Defense Association, 117.
- Chiefs, elected, military leaders, &c., 26; become landlords, 28.

- Chief Secretary, the, should he be an Englishman? 304.
- Church, disestablishment of, 88, 194; Temporalities commissioners, 94; lands, how disposed of, 94.
- Church Temporalities Fund, 212.
- Civil service, English and Irish, 301-302.
- Clerkenwell explosion, the, 147.
- Clifden Union, 261.
- Coercion Act, the, of 1881, 147-49; arrests under, 183; opposition to, 199; Forster's use of, 190-91; destroys open agitation, 190; permits the Ribbonmen to flourish, 191.
- Colleges, the Queen's, 286; Catholic, 287; the General Assemblies, 287.
- Commerce, 281.
- Communal system of the Celtic tribes, 26.
- Communal ownership, Celtic, traditions of, 27.
- Communitistic theories received with favor in Ireland, 26; attributed to French and American influences, 26; to Celtic traditions, 26.
- Commission, special, 406.
- Commission, the land, constitution and powers of, 157-58; may advance money to tenants for the purchase of holdings, 156; may purchase estates, 156.
- Compensation, claimed and granted under act of 1870, 90-93; for injuries, 202; for improvements by act of 1860, 85; by act of 1870, 88-89; by act of 1881, 154-55.
- Conciliation, policy of, adopted, 186.
- Confiscations, traditions of, 297; advocated by Fenians, 104.
- Constabulary, 308.
- Contract, made the basis of the relation between landlord and tenant, 62; freedom of between landlord and tenant impossible, 85; R. Barry O'Brien on, 85, 86.
- Cottages, laborers, 269-273.
- Court of Appeals, decision of in case of Adams vs. Dunseath, 228.
- Court, the county, a land case in, 89; of appeal, 157.
- Court, intervention of under land law of '81, 365.
- Court, the civil bill, 156.
- Court of special commission, 199-200.
- Court, the encumbered estates, 4; the Irish, 90; distrust of, 92; too English, 303.
- Cowper, Lord, 186.
- Crawford, Mr. Sharman's plan for reform, 81.
- Cromwell, 297.
- Crooke, Archbishop, on the no-rent manifesto, 334; on the platform of the Land League, 335; on the situation in 1882, 338.
- Crops, failure of, 100; statistics, 101.
- Curfew clause, 412.
- D**ALKEITH, Gladstone's speech at, 132.
- Damages for outrages, effect of levying, 222-3.
- Damages for injury or murder, power of the Lord Lieutenant to assess, 202.
- Damages for murder, maiming, or injury, how assessed, 417.
- Davis, Sir John, on high rents, 50.
- Davitt, Secretary of Land League, 126; speech at Gurtun, 124; Radical utterances, 124; on improvements, 228; speech at Milltown, advice to

- tenants, 121; plan of for the nationalization of the land, extract from Liverpool speech, 341; scheme of, for nationalizing the land, 248.
- Davitt, Michael, 117; first lesson in the land question, 107; heads the Fenian new departure, 106.
- Deception to avoid the payment of fares, 368.
- Democratic Association the, 81.
- Democratic rotation in office, 302.
- Desmond, Earl of, 297.
- Devoy, John, advocates the Fenian new departure, 106; writes to "The Freeman's Journal," 106.
- Dillon, prosecuted for seditious conspiracy, 137; arrested, 172; defends boycotting, 224; on Irish education, 291; on the labor question, 277; released, 186; in America, 127.
- Disestablishment Act, 88.
- Distraining for rent, 60-1.
- Distress, law of, in Ireland, 28; in Ireland in 1879 discussed in Parliament, 118-19; described by committees, 73; by Mr. Nimmo, 73; by the Devon Commission, 73; causes of, 74-5; attributed by the people to the land system, 75; sometimes the fault of the people, 75; in Ireland in 1880, 129; described by Mr. Sullivan, 129-30.
- "Disturbance Bill," 135; rejected by the Lords, 135.
- Distress, chronic, 72 et seq.; described by Spenser, 72; causes of, 72.
- Disturbance, compensation for, 364; compensation for, by Act of 1870, 88; compensation for, under Act of 1881, 154.
- Downshire, Lord, 2.
- Dufferin, Lord, on Leases, 35.
- Duffy, Charles Gavan, 81.
- Dun, Finlay, on rent raising, 48; on the reclamation of waste land, 251.
- Dwellings, improvement in, 23; wretched, clung to by occupants, 69-70.
- E**DUCATION, 283-295; ancient Irish, 285; effect of penal laws on, 285; institutions for, 286-90; progress in, 290-95; compulsory, desirableness of, for Ireland, 291.
- Egan, Patrick, prosecuted for seditious conspiracy, 137.
- Egan, Patrick, 173.
- Ejectment for non-payment of rent, 61.
- Elizabeth, Queen, 76.
- Emergency men relieve Captain Boycott, 146.
- Emigration, the suggestion of, causes indignation, 70; provisions of Arrears of Rent Act for, 449; opposition to, 255-7; necessity for, 259-265; Mr. Bourke on, 264-5; Mr. Tuke's fund for, 265; legislation for, 265-6.
- Emancipation, Catholic, 1.
- Encumbered Estates Court, its purpose and powers, 4; unsuited to Ireland, 85; operations of, cause increased irritation, 84; purchasers in, affected by Land Law of 1881, 159.
- "English-managed" estates, 38.
- English Land Laws, made more severe for tenants in Ireland, 28; Judge Longfield on, 28-9.
- English element in Ireland, 310.
- Entail, law of, 3.



- English administration, objection to, 306.
- Encumbered Estates Court, increases the number of land owners, 5.
- Episcopalians, 290.
- Estate, rules of, a cause of complaint, 15.
- Estates, size of, 2.
- Evicted tenants, general sympathy with, 63-68; huts erected for, 68; assisted by Ladies Land League, 68; farms, perilous to take, 142; provisions for, under arrears of Rent Act, 210; rights of, under Arrears Act, 440.
- Eviction, for non-payment of rent, 61, et seq.; the association for, 234: under the Act of 1881, 235; opposed by the Land League, 122; Davitt on, 126; to be prevented by the "Disturbance Bill," 135; ground for, 153.
- Evictions, expensive to landlords, 69; in 1880, 130; Mr. Sullivan on, 130-1; statistics of, 70-71; effect of law of 1860 on, 62; of laws of 1870 and 1881, 63; the Irish view of, 63; the cause of outrages, 63; important, described, 64; attempted, followed by disastrous results, 183; Irish dread of, 64; described by Mr. Butt, 64-66; by Bishop Nulty, 66-67; attended by great hardship, 64-67; in 1879, 103; not stopped by Act of 1870, 93.
- Extravagance, of Irish, 102; danger from, 231.
- FS, the three, 116.
- Famine of '47, 4; of '47, 64; of '47, 73; of '47 recalled, 103; in Ireland in 1880, 129; threatened, 127,
- Fair rents, number of fixed, 225; how fixed, 365; fixed without litigation, 315.
- Fawcett on peasant proprietors, 246; Prof. on compulsory education for Ireland.
- Farming, careless, 19.
- Fenians, principles of, 104; objects, etc., 104; land scheme, 104-5.
- Fees for entering Land courts, 229.
- Fisheries, 281.
- Fenianism and the outrages, 141.
- Fenian, the organization and disestablishment, 121.
- Fenianism, languishes, 105; takes a new departure, 106.
- Fenians, the and advanced Home Rulers, 114.
- France, peasant proprietors of, 105.
- Freeman's Journal, discussions in on the land agitation, etc., 114.
- Forster, resigns, 186 et seq.; on the condition of Ireland, 187-8; O'Shea's interview with, 188-9; resignation of in Ireland, 191-2; character of, 191-2.
- Franchise, the 40s. leasehold, effect of its abolition, 35.
- Free trade in land, 85.
- Freeman's Journal, the, publishes O'Brien's letter, 218; on the release of the suspects, 191.
- French law in regard to improvements based on the Roman, 38.
- GALE, the hanging, 55.
- Gales, the hanging two, 287.
- General Assemblies, the Theological college, 287.
- Gladstone charged with en-

- couraging violent agitation, 147; on the necessity of giving relief to Parliament, 133-4; on Home Rule, 133; on the "Kilmainham compact," 188; announces a new policy, 186; denounced in the no-rent manifesto, 330; on local government, 335; familiarity of with Irish affairs, 307; on transfer of land, 249; on the Land Law of 1881, 158; on leaseholders, 238; denounced by Parnell, 170; denounces Parnell, 169; popular in Ireland, 168; good expected from his reforms, 164; on the condition of Ireland in Feb., '82, 185; statement of in regard to the Kilmainham letter, etc., 187; attacked by the Conservatives, 187; on the Arrears of Rent Act, 211; to exert a more direct influence on Irish affairs, 194; censured for the peace policy, 197; introduces the Prevention of crimes Bill, 198; found fault with for discussing Home Rule, ; espouses the Irish cause, 132; at Dalkieth, on disestablishment, 132; on the influence of Fenianism, 132; on disestablishment, 88; second great measure of reform, 88.
- Glengariff, 165-6.  
Parish, priest of 166.
- "Gombeens, 49; men, 213.
- Gray, E. D., imprisonment of, 217, 219.
- Grand jury system, 300; a real grievance, 301.
- Grazing, holdings consolidated for, 84; farms, increase of, 257-8.
- Griffith, Sir Richard, 59.
- Grazing farms, agricultural holdings turned into, 65.
- Gray, E. D., on the arrest of Parnell; moves to confer the freedom of the City of Dublin on Parnell and Dillon, 181.
- Grazing farms excepted by Oct. of 1881, 155.
- Griffith's valuation demanded as a standard of rents, 59; valuation advocated as the standard for rents by the Land League, 122; valuation claimed as a basis of rent, 165.
- HARDENBURG**, 105.  
Hadrian, IV., 296.
- Hancock, Dr. Nelson, 279; on compulsory education, 291.
- Healy in America, 127; attacks the grand jury system, 301; on land bill of 1881, 159.
- Henry, Mr. Mitchell's, place at Keylemore, 9; on the Fenian new departure and Home Rule, 115; on the prosperity of Belfast, 300; on the reclamation of waste land, 251, 253; on rents, 46.
- "Herald," New York, relief fund, 128, 130 note.
- Henry, Mitchell, quoted by P. J. Smythe, 163.
- Henry VIII. confiscates estates of absentees, 6.
- Henry II., 296.
- Holdings; great number of very small, 296; tenant of allowed to will his interest, 151; general appearance of, 19; number and size of, 17; small, could be consolidated with profit, 39.
- Home Government Association, 109.
- Home Rule, Lord Beaconsfield on, 134; agitation for, 1; Gladstone on, 133.

- Home Rulers support the Liberals in 1880, 135.
- Home Rulers and distress in Ireland, 118, 119.
- Home Rule, 311; distrust of in England, 313; various opinions on, 311, 314; Justin McCarthy on, 311; Parnell on, 312; O'Connor Power on, 312; A. M. Sullivan on, 312; the business men of Belfast on, 313.
- Home Rule Party, dissensions in, 116.
- Home Rulers, the moderate, 115; land platform, 116.
- Home Rule League organized, 110; undertakes reforms, 101; fails and is discouraged, 111
- Home Rule, 109, a seq.
- Home Rulers, 106.
- Home Rule Gains in 1880, 135.
- Home Rulers and Land League, 109.
- Houses, often poor, 20; description of, 20; improved character of 23,
- Huts for evicted tenants, 68,
- Hynes, Francis, trial of, 217-220.
- ILLITERACY**, 290.
- Improvements, vary much in character, 19; sometimes not of value to the landlord, 39; sometimes more valuable than the fee, 39; English law in reference to, 38; made by the landlords, 52; how made, 53; prevented by fear of an increase of rent, 57; made by the tenant, 37-8; their value. 38-40; sometimes claimed by the landlord, 38; the tenant's, 89; compensation for, 90; compensation for, 88; compensation for by Act of 1860, 84; what are? 226-8; decision in reference to by court of appeals, 228; Lord Dufferin on, 227; compensation for, 365; in dwellings, 23; the property of landlord, 155; compensation for under Act of 1881, 154; compensation not allowed for certain, 155.
- Incumbrances on Irish estates, 95, 97.
- Indebtedness, increase of, 102.
- Independence, Ireland's, the object of the advanced Nationalists, 106.
- Interests, tenants', protected, 88; free sale of, 151; the tenants' discussed in Parliament, 158-159.
- Intermediate Education Act, 287; examinations, 288.
- Intimidation, Coercion Act of 1881 on, 148.
- Intimidation, definition of, 411, 200-201.
- Investments, 233.
- Ireland, attractive as a place of residence, 6; not desirable for English landlords, 6-7; in the summer of '81, 164, et seq.; indignation in, on account of the assassination of Lord Cavendish and Mr. Bourke, 198; the declining production of human food in, 258-9; in 1880, 129, et seq.
- Irish beggars, characteristics of, 21-22.
- Irish church, the, disestablishment of, 132.
- Irish chiefs, their power, 26; rack-renting of, 27.
- Irish, Parliamentary party, oppose the Prevention of Crimes Bill, 203; are suspended for obstruction, 203-4.
- "Irish people," the, quoted, 104.
- Irish Tenant League, 82-83.
- Irish political parties, tendency of to disintegration, 104.

Irish tenants, industrious and frugal, 232.

Irish, The Parliamentary party, 314.

Irish school children, 292.

Irish, the Language, 293 Society for the preservation of, 294.

Irish people, the intelligence of, 284.

Irish Labor and Industrial Union, the, 275-8.

Irish Catholic Benevolent Union, 267.

Irish chiefs converted into Irish landlords, 28.

Irish landlords, their number and the size of their estates, 2.

Irish question, centuries old, 1.

Irish, Parliament, an, for local affairs, 115.

Irish political parties, quarrels of, 82.

Irish town, great meeting at, 117.

"Irish World, The," the organ of the Fenian new departure, 106.

**J**AMES I, 76.

Joyce Family, murder of the, 221.

Jurors, special, 200.

Juries refuse to convict, 143.

Jurors, special, trial by, 408.

Jury, trial by, opposition to taking away the right of, 205; distrust of, 205-6; Spenser on, 205-6; trial without, 199-200.

**K**ANE, Sir Robert, on Irish laborers, 270.

Kane, Sir Robert, 250.

Kavanagh, 234-35.

Kettle, secretary of Land League, 127.

Kerry, outrages in, 216.

Keogh, 82.

Kelp, 262.

Keimaneigh Pass, incident at, 165.

Kilmainham, compact, the, 185 et seq.; Parnell's letter from, 189.

**L**ABOR & Industrial Union, the Irish, 275-8.

Labor, poorly paid, 271; the question, 268 et seq.

Laborers' cottages and allotments, text of law in regard to, 403; how their condition can be improved, 278; agricultural, their number, condition, etc., 268-79; cottages, 268, et seq.; migratory, 262-3.

Ladies' Land League, the, becomes prominent, 179; relieves suspects and their families, and evicted tenants, 180; assists evicted tenants, 68.

Land Law (Ireland) Act, 1881, full text of, 353; analysis of, 353-6.

Land Act of 1881, provisions of, for laborer's cottages, 273.

Land Act of, 1870 enables tenants to borrow money, 102; unsatisfactory, 99; Bright, clauses of, 94; tenants complain of, 92; compensation claimed and granted under, 93; did not stop evictions; relief by, 90-93.

Land case a in court, 89.

Land, must be "free," 88; John Bright on, 87.

Land laws, John Bright on, 87.

Land laws, the of 1881 in Parliament, 158-161; Gladstone on, 158; Lord Salisbury on, 159; Parnell, Hurley and Charles Russell on, 159; the London Times on, 161; Land League view of, 168.

Land Law of 1880, not satisfactory to Mr. Parnell, 174-5.

- Land law, drives Land League party to desperation, 185; the, goes into operation and is accepted by many tenants, 181; tenants not benefited by, 181-2.
- Land laws of 1860, 84; obstacles to transfer of, 3; "land robbers," 120, 126; system, faulty, 75; panic in price of, 5; value of in Ireland consists of three elements, 37, et seq.
- Land system, its tendency, 3.
- Landed estates court conveyance, 95.
- Landlord system, war against, 143.
- Landlords deeply in debt, 3; power to distrain, 289; good, 52; improvements made by, 52; Mr. Davitt on, 125; asked to reduce rents, 117.
- Land Agents, their functions, 13; greatly abused, their character and duties, 121.
- Land agitation, meetings described, 126.
- Land Bill, the, of 1881 amended by the Lords, 161.
- Land Commission, The, constitution and powers, 157-8; number of fair rents fixed by, 225; appeals to, 226; power of, under arrears of Rent Act, 209-210; powers of, under Arrears Act, 441; appointment and powers of, 390; new rules of, 315, note.
- "Land hunger," 28.
- Land Law of 1860, 62; results of operations under, 224; will greatly improve condition of tenants, 230; of 1870, 150; of 1881, 150; et seq.; of 1870, 63; of 1881, 63.
- Land, The, for the people, 344.
- Land Corporation, 234.
- Land Law Act of 1881, provisions of, for reclamation of waste land, 252.
- Land League, Ladies, 68; The National, not responsible for outrages, 141; encourages boycotting, 141; tenants punished for disobeying, 140; supreme in Ireland, 140; means of securing obedience, 140 1; courts and constables, 141; meeting, a priests speech at, 137; leaders prosecuted, 137; crimes attributed to, 136; in America, contributes for, 127; relief of distress in Ireland, 127; complaints against its methods of giving relief, 130; The, a relief organization, 127; oratory, specimens of, 123-126; The Irish National, formed, 126; the first organized, 121; its principles, 121-2; P. J. Smyth on, 162; the organizers and officers of, arrested 163; the, "is ruining the country," 167; leaders of, discredit the Land Act, 168; defended by Parnell, 171; proclaimed, 171; the leaders of, arrested, 1; the Executive of, issues the no-rent manifesto, 173; meetings, forbidden by the Government and abandoned by the people, 178; party the, driven to desperation, 185; the broken up 179; power of, broken by Mr. Forster, 192; Archbishop Crooke on, 335; text of the Government Proclamation of, 332; charter of, 319; objects, 319; conditions, 321; declaration of principles, 322; no-rent decree of, 182;
- Land System, founded on robbery &c., 107; Devoy's opinion of, 107.
- Land, the land question the

- basis of agitation, 106.  
 Land-robbers, 104.  
 Landlord system and the Land League, 121-2; and tenant in court, 89.  
 Landlords, old and new, 84; enterprising a great advantage to the country, 9; often of different race, rank, religion, &c., from tenant, 7, 10; their absence from the country a loss, 8.  
 Landowners, number of, 2.  
 Landlord's power to evict, 30; opposition to the arrears of rent bill, 212-13.  
 Landlord and tenant, war between, 144.  
 Landlords grant leases to get votes, 33; right of to purchase tenancy, 151; in distress, 165; improvements appropriated by the tenant, 167; the right of under the Ulster custom, 45; often unjustly blamed, 75.  
 Landlord often allowed the tenant to sell his interest, 142; could appropriate tenants' interests, 42.  
 Landlords' interests, 37; titles disputed, 37; forbearance of, 55; interests, Davitt on the value of, 346; willing to sell, 249.  
 Landlordism, Parnell. on, 325.  
 Landlords' interests, value of, different opinions respecting, 245.  
 Land system, Celtic, 26; question, importance of, 1; owners, their number increased through the encumbered estates court, 5.  
 Law favorable to the landlord, harsh toward the tenant, 28-31.  
 Law, Irish, distrust of, 31.  
 Laws, Penal, 72; against manufactures and commerce, 72.  
 Law, of distress, 60; ejectment or eviction, 61 et seq.  
 Lawson, Judge, sums up a land case, 90; on "moonlighting," 216-217.  
 Leases, advantages of, 35; long, common, 12; Lord Dufferin on, 35; judicial, 368; power of the court to break, 376; reason for their increase, 33; granted to Catholics, 33; granting of encouraged, 84; long, often granted by absentees, 33; set aside by act of 1881, 155.  
 Leaseholders, dissatisfied, 237; Parnell on, 238; Gladstone on, 238.  
 Lecky, 235.  
 Leeds, Gladstone's speech at, 169.  
 Lexington, the, of the agrarian revolution, 131.  
 Lewis, Sir George Cornwall referred to, 79.  
 Liberal victory in 1880, 135.  
 Liberals, the English, take up the Irish cause, 88.  
 Liberals, attitude of, toward Irish affairs, 316.  
 Litton, Edward Falconer, Land Commissioner, 157.  
 Limerick, Parnell's speech at, 123.  
 Local Government Board, report of, quoted, 102.  
 "London Times," the, on Land Law of 1881, 161.  
 London warehouses, 116.  
 Lord Lieutenant, powers of, under Coercion Act of 1881, 148-9; special powers of, under Prevention of Crimes Act, 199-202; the present, 305; his use of the Coercion Act censured, 164.  
 Longfield, Judge, on English landlaws in Ireland, 28-9.

Lords, the house of reject the "Disturbance Bill," 135; House of, Amend the Land Bill of 1881, 161; House of amends Arrears of Rent Bill, 214.  
 Lornton, Lord, 79.  
 Lough Mask, the home of Captain Boycott, 146-7.  
 Lowther, on distress in Ireland, 119.

**M**CCABE, Archbishop on the no-rent manifesto, 179.  
 McCabe, Cardinal, on the no-rent manifesto, 333.  
 McCarthy, Justin, on Home Rule, 311; on Distress in Ireland, 118.  
 McCutchan, Rev. Mr., 58.  
 Machinery, agricultural, 9.  
 Machinery, labor saving, opposition to, 272.  
 Magistrates, resident of, to summon witnesses, etc., 202.  
 Maine, Sir Henry, on the Celtic Tribe, 27.  
 Manchester, the rescue, 147.  
 Manifesto, the No Rent, 173-4.  
 Mansion House Relief Committee, 130.  
 Mansion House Committee, the, 235.  
 Manufacturers, 280.  
 Markets for produce, poor in the West, 10; Mr. Tuke on 10.  
 Marlborough, Duchess of, Relief Committee, 130.  
 Maynooth College, 287.  
 Melbourne, Lord, on Irish distress, 80.  
 Middlemen, Character of, 11; more exacting than landlords, 11; many ruined by hard times, 13.  
 Migratory, laborers, 262-3.  
 Mill, John Stuart, on the Irish land system, 321.

Milltown, great meeting at 121.  
 Mineral wealth, 281.  
 Monck, appointed Land Commissioner, 211; Viscount, appointed Land Commissioner, 451.  
 Moody and Sankeyism, political, P. J. Smyth on, 163.  
 "Moon-lighters," 77; trial of, 216.  
 Moore, adaptation of one of his poems, 192.  
 Murphy, 270.

**N**ATIONALIST PARTY, the advanced, its objects, 106.  
 Newspapers, power of the Lord Lieutenant to seize, 202; much read in Ireland, 293; educating influence, 293; the Irish, 284.  
 "No-rent" army, the, 184; movement, the, 208; manifesto, the issued, 173; manifesto, a fierce, 184; manifesto, Cardinal McCabe on, 333; Archbishop Croke on, 334; the manifesto, text of, 328; agitation, 236; manifesto, the circulated, 177; manifesto, the obeyed, 182.  
 Nulty, Bishop, describes an eviction, 66.

**O**'BRIEN, R. Barry, on freedom of contract, 85, 86.  
 O'Brien, W. Smith, arrested, 172.  
 O'Brien, Mr. Murrough, 95.  
 O'Connell, in contrast with Parnell, 169.  
 O'Connell, Rev. Mortimer, 269.  
 O'Donnell, H. F., on districts in Ireland, 118; on Devoy's letters, 115; an obstructionist, 114.  
 O'Hagan, Sargeant, Land Commission, 157.

- O'Kelly, released, 186; arrested, 172.
- O'Shea, Captain, negotiations of with Parnell, Forster and the government, 189; interview of, with Mr. Parnell, and with Mr. Forster, 188-9.
- Obstruction, by Mr. Parnell and his followers, 112; censured in England and by Moderate Home Rulers, 114; lauded by extreme Irishmen, 116; 159; of the Prevention of Crimes Bill, 263-4; 314.
- Occupancy, Tenant's right of, its basis, etc., 40.
- Orange Institute, 146.
- Orangemen, 146.
- Outrages, caused by evictions, 63; opposed by the leaders of the League, 147; Mr. Bright on, 143; who committed? 141-2; effect on the community, 142; produce a reign of terror, 142-3; increase in '79, 103; an agitator's view of, 184; agrarian statistics of, 309; in '80 and '81, 139; increase of, 139; savage character of, 139'40; reported at spring assizes '82, 185.
- Outrages, the Land League will help prevent, 188-9; prevented by fear of damages, 222-3; not stopped by the Prevention of Crimes Act, 221; diminishing, 221-2; character of, 222; how planned and paid for, 222; number of in August, '82, 221, note; sometimes caused by poverty, 75-6; in the time of Queen Elizabeth, 76; James I., 76; seventeenth century, 77; as Whiteboys, 77-79; attributed to the Land League, 136.

PAINE, Thomas, 248.

Parnell in favor of supporting the conservatives, 135; in America, 127-8; speech to his constituents on the land question, 123; released, 186; appeal to the Irish race, 324; on the labor question, 275-7; on the value of the landlord's interest, 247; on the land law of 1881, 159-60; quoted by Mr. Pigott, 160; on the land law, 168; on reductions of rent, 168; denounced by Gladstone, 169; contrasted with O'Connell, 169; on rents, 170; replies to Gladstone, 170; defends the land league, 170; arrested, 171; indignation at the arrest of, 172, *et seq.*; on the land law, 174; his purpose in opposing, 174-5; indignation at the arrest of,—meetings and resolutions, 177; riots in consequence of, 178; censured by Irishmen, 181; a motion to confer the freedom of Dublin on, lost, 181; trusted by Irish tenants, 182.

Parnell's speech at Limerick, non-payment of rent, 123; speech at Westport, advises the tenants, 120; to keep a firm grip on their lands, &c., 120; and the moderate Home Rulers, 116; Charles Stewart's early life, &c., 111; enters public life, 112; member for Meath, 112; becomes an abolitionist, 112-13; prosecuted for seditious conspiracy, 137; address to the Irish race, 127; denounces landlords, 136; urges resistance to payment of rent and to eviction, 136; letter of, from Kilmainham, 189-90;



- on the distress in Ireland, 118; asked by Davitt to take charge of the agitation, 118; adopts Davitt's plan, 119.
- Parliament, necessity of relief for, 133-4; discussion in, of Land Bill of 1881, 159; Irish agitator's view of, 176, members of, arrested, 171-83.
- Paupers, cost of maintaining, 261.
- Pauperism, statistics of, 102.
- Peasant Proprietors, 94; created by church disestablishment act, 94; by land act of 1870, 94, et seq, 240 et seq, under disestablishment act, 240; under the Bright clauses, 242.
- Peel, Sir Robert, quoted, 318.
- Penal laws, 63, 72, 297.
- Petty, Sir William, on the value of tenant's interests, 41; on rents, 50.
- Pigott, Richard, quoted, 137.
- Pigott, Richard, quotes Mr. Parnell on the Land Law of 1881, 160.
- Playfair, Dr. Lyon, names Irish members for obstruction, 203-4; on Irish Education, 291; on the Declining Production of Human Food in Ireland, 258.
- Police attend Process-servers, 139.
- Police and soldiers, members of a grievance, 308.
- Politeness among Beggars, 21.
- Politeness found everywhere, 22.
- Politeness.—A. M. Sullivan on the politeness of Irish-Americans, 22.
- Politics, practical, 132.
- Poor-rates, after '47, 4.
- Population of Ireland, 258.  
capacity of Ireland for sustaining a larger, 259.
- Potato Crops in Ireland, 101.
- Post-office, a parish without a, 166.
- Poverty, assumed, 56.
- Poverty, 260.
- Poverty, chronic, 72.
- Power, Mr. O'Connor, an Obstructionist, 114; on Distress in Ireland, 119; on Home Rule, 312.
- Presbyterian Synod of Ulster on Tenant Right, 82.
- Presbyterian General Assembly, address of, to the Lord Lieutenant (text), 336.
- Presbyterians, 290, 299; on Home Rule, 314.
- Presbyterian College, 287.
- Prevention of Crimes Act in operation, 215, et seq; specimen cases under, 216-221; Bill introduced into Parliament, 197; great opposition to, 199, 203-4; provisions of, 199-203; (Ireland) Act, 1882, text of, 404; analysis of, 404-406.
- Prevention of Crimes Act, 298.
- Priests and the agitation, 137; a priest quoted by Mr. Pigott, 137; opposition of to emigration, 257; the and Land League, 179.
- Primogeniture, law of prevents a general distribution of land, 3.
- "Process," the, Mr. Sullivan on the, 131.
- Property Defense Association feared by Catholics, 145.
- Protestant Clergy, 65.
- Protestants, 298; attitude of toward the national schools, 289.
- Property Defense Association, 144.
- Protestant tenants murdered, 79.
- Purchase-money advanced, 94-97.
- Purchase clauses of Act of 1870,

94; a failure, 95 et seq.; of Act of 1881, 156; of the Land Act of 1881, 378; demand for their extension, 244.

**Q**UINN arrested, 171.

**R**ACK RENTING opposed by the Land League, 122. Railway travel, an incident of, 56-58.

Reclamation of waste land, an improvement, 155; of waste land provided for, 156.

Real estate interests, cheap and simple mode of transfer, 44.

Reclamation of bog, 90; run to waste, 19; of waste land, money advanced for, 384; of waste land, 250; Mitchell Henry on, 251; E. V. Stoney on, 251-3; legislation respecting, 252-3; Richard Kelley on, 254; will it pay? 250-4.

Redmond, 190.

Reform of land laws early agitation for, 80 et seq.; plans proposed, 81 et seq.

Relief given by Land League, 127-30; by Mansion House Relief Committee, 130; Duchess of Marlborough committee, 130; Herald relief committee, 130; given by government to paupers, 102.

Religious animosities, 297; professions, 299.

Rent raising, fear of prevents improvements, 51; complaints war against, 131; Davitt on, 124-55; Parnell advises tenants not to pay unfair, 123; Parnell on fair, 120; advice to not pay, 117; reduced by the land commission, 229; arrears of reasons for, 207; provisions for by land law of 1881, 208; difficulty of pay-

ing in '79 and '80, 103; charges, 97; a case of unfair, 90-91; under purchasers in the encumbered estates courts, 84; arrears of after the famine of '47, 82; high a cause of poverty of tenants, "the hanging two gales" of, 58; raising, unfair, 53; why tenants agree to pay impossible, 54; raising on Lord Lansdowne's property, 48; payable half yearly arrears of, 56; the hanging gale, 58; modes of enforcing the payment of, 60; distraining for, 60-61; raising, 48; highest in proportion on small holdings, 48; percentage of investments, 46-7; the landlord's right to increase might destroy the tenant's interests, 42; increase of under the Ulster custom, 43.

Rent, increase of, diminishes value of tenant's interests, 152; a fair-fixed, 152; can not be increased during statutory term, 152; reduction of advocated by Parnell, 168; paid secretly, 183; fair, under Ulster custom, 43; fair, how fixed, 365; sometimes reasonable, 49; reduced by land commissioners, 49; high, an old grievance, 49; conflicting accounts of, 46; Mr. Mitchell Henry on, 46; Commissioner Vernon on, 47; Portion of produce, 48; number of fair-fixed, 225.

Ribbon societies flourish, 141.

Ribbonmen, terrible outrages by, 79; flourish, 191; increase in influence, 183.

Robinson, H. A., 266.

Richey, Prof. A. G., on proceedings in an Irish court, 89.

- Rules of the estate, a cause of complaint, 15.
- Russell, Charles, on rent raising 48; on Land Bill of 1881, 159.
- SADLIER**, 83.
- Sale of tenants interests, sometimes allowed by landlords, 41-42; under the Ulster custom, 43.
- Sales of tenant's cattle for rent, 145; free, of tenancies, 151.
- Salisbury, Lord, on land law of 1881, 159.
- Secret societies opposed to conciliation, 194; assassinate Lord Cavendish and Mr. Bourke, 195; flourish, 191.
- Sexton, arrested, 171; prosecution for seditious conspiracy, 137.
- Sale of tenant's interests under Ulster custom, 44.
- Shopkeepers, extortionate, 213.
- Smyth, P. J., writes to the Tralee Land League on the Coercion Act, 162-3.
- Soldiers help distraint for rent, 61; attend process. servers, 139.
- Spencer, Earl, appointment of, as Lord Lieutenant, 194.
- Spenser, Edmund, 72; on the Brehon laws, 26; on tenancies at will, 33; on changes of policy, 303; on high rents, 50.
- Statistics giving number of landowners and size of estates, 2; of evictions, 70-71; giving number of tenants and size of holdings, 17; showing improvement in dwellings, 23; of paupers, 102; of crops from 1860 to 1880, 101; of compensation claimed and granted under Act of 1870, 93; of fair rents, 225; of outrages, 309; of religious professions, 299; of national Schools, 290; illiteracy, 290; of deposits in banks, 279; of migratory laborers, 262-3; of population, 258; of cereal and green crops, 257-8.
- Statutory term, 152, 134, 360; how instituted, 153.
- Statutory conditions, 153, 362.
- Stein, 105.
- Stoney, E. V., on the reclamation of waste land, 251.
- Subletting common, 11.
- Sub-Commissioners, 157.
- Subletting, decrease of, 13.
- Sullivan, A. M., on Irish politeness, 22; on rent-raising, 51; quoted on Parnell's attitude to the Liberals, 135; on evictions in 1880, 130-1 on Home Rule, 312; describes the distress in Ireland, 129-30; on Mr. Parnell, 112; on the workings of the Coercion Act, 183.
- Sullivan, T. D., prosecuted for seditious conspiracy, 137.
- Sunday afternoon meetings, Mr. Biggar on, 124.
- Suspects, arrest and imprisonment of, 148-9; release of, 186; Gladstone's reason for releasing, 187-8; rejoicing at the release of; "The Freeman's Journal" on, 191; on their way to prison, 178; associations formed to aid 179.
- Swift, Dean, on high rents, 50; estimate of the rental of Ireland, 228; on the rental of Ireland, 346.
- TENANCIES** fixed, 369; in Ireland, 32; from year to year, 32; at will, 32.
- Tenancies, sale of, 356; free sales of, provided for, 151.
- Tenancies, long, encouraged by landlords, 40; at will, Spenser on the evils of 34.

- Tenants, bankrupt, 232; industrious and frugal 232; deeply in debt 10-23; advised to hold the harvests &c, 117; interests not protected, 80; protection societies, 82; agree to pay impossible rents, 54; many bankrupt, 18; their number and the size of their farms, 17; statistics of, 17; deeply in debt, 207; interests will be sold, 236-37; ought not to be helped stay on too small holdings, 213; interests, value of, 232; competition prices for, 233-34; sometimes charge laborers high rents, 273; defense associations, must be organized, 326; interests, Davitt on the value of, 346; aided in purchasing their holdings, 378; interests recognized by act of 1870 88; interests not adequately secured by act of 1870, 99; have not freedom of contract, 85; interests not protected by encumbered estates act, and land act of 1860, 85; right of occupancy, its origin and basis, 40; who will be benefited by the Land Act, 182; the small of the west not benefited by the Land Act, 168; may purchase their holdings by government aid, 156.
- Tenant right, the Ulster, legalized by act of 1870, 88; the Ulster, 82.
- Tenant League, 82-83.
- Tenant, ability of to contract himself, out of act of 1881, 378.
- Tenant's interest value of, diminished by increase of rent, 152; right of to sell his tenancy, 151; to devise, 151; opposed to improvements by landlords, 52; right of occupancy, 53; interest value of under Ulster custom, 44; interest, sale of under Ulster custom, 44; interest defined, 37, et seq; right, the Ulster defined, 42-3; old preferred by landlords, 40; cling to their wretched cabins, 69, causes of property, 18; allowed to sell their interests, 42; interests sometimes not recognized by the landlord, 42; interest value of, 41.
- Tenure, Celtic, 25, 27; security of demand by tenants, 150; fixity of, Davitt on, 125; want of security of a great grievance, 34; of office too much security of, 302; English introduction of, 27.
- Testimony, difficulty of getting reliable, 90.
- The National school, 288, 291; appointed to, 289; growth of, 290; Matthew Arnold on, 291; Dr. Playfair on, 291.
- Thom's Official Directory quoted 2, 23, 100, 262, 299.
- Tribesman, 27.
- Tithes, no-tithes manifestoes, 77.
- Tithe war, 78.
- Title, given by the Encumbered Estates Court, 4.
- Titles, difficulty of making, 8.
- Title, in Landed Estates Court, 94.
- Tormey, Rev. Father, on non-payment of rents, 117.
- Transfer of land, trouble and expense of making, 94 et seq.
- Trevelyan, character of, 306; sympathy of, with the Irish, 306-7.
- Tuke, J. H., assists emigrants, 265.
- ULSTER, the business men of, on Irish affairs, 303;

- tenant right defined, 42-3;  
 tenant right legalized by act  
 of 1870, 88; tenant right le-  
 galized in 1870, 45; tenant  
 right, Presbyterian Synod  
 on, 82.
- United Ireland, the organ of  
 the Land League, 172
- University, the, of Dublin, 286;  
 the Royal, 286.
- V**ALUATION, Griffith's, 59;  
 Griffith's, claimed as a  
 basis of rent, 165.
- Valuers, 315.
- Vandeleur, Mr., on Absentee-  
 ism, 8.
- Venue, change of, 200-201;  
 change of, 410.
- Vernon, John E., Land Com-  
 missioner, 157; on rents, 46.
- W**AGES, laborers', 270-2.
- Westport, great meeting  
 at, 120.
- Wexford, Parnell's speech at,  
 170.
- White, Preston, 160; Mr. R.  
 H., adventure of, 165.
- Whiteboys, 77.
- Witnesses refuse to testify, 143.
- Witnesses, special power to  
 call and examine, 415.



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